

LIBRARY
NATIONAL INSTITUTE OF HEALTH
BETHESDA, MARYLAND

WA 32
A03
L40
pt. 1 only

have '25 - Both
missing - '47 - P15
154 - P15
P15

WITHDRAWN
from
LIBRARY
NATIONAL INSTITUTES OF HEALTH

FEB 17 1960

OHIO PUBLIC HEALTH MANUAL

Part I
OHIO GENERAL CODE SECTIONS
AFFECTING OR OF INTEREST TO HEALTH OFFICIALS

Part II
OHIO SANITARY CODE REGULATIONS
ADOPTED BY THE OHIO PUBLIC HEALTH COUNCIL

259

PUBLISHED AND DISTRIBUTED BY THE
OHIO DEPARTMENT OF HEALTH
R. H. MARKWITH, M.D.
Director of Health
COLUMBUS, OHIO

BOX ITEM

WA

32

A03

g C6



THE HEER PRINTING COMPANY
COLUMBUS, OHIO

1944

Bound at the State Bindery

111189
Y9A9911

OCT 21 1959

OHIO PUBLIC HEALTH MANUAL

FOREWORD

Publication of a Public Health Manual, containing the statutory law relating to the powers and duties of the Ohio Department of Health and the boards of health and officials of city and general health districts and the regulations constituting the Ohio Sanitary Code as adopted by the Public Health Council, is required by Sections 154-66 and 1236-1, of the Ohio General Code.

This Manual is divided into two parts:

Part I, contains the sections of the General Code known as the Administrative Procedure Act and statutes providing for the creation and organization of a state department of health and of city and general health districts and prescribing their powers and duties; also such other sections of the statutes as relate, directly or indirectly, to public health and sanitation of which health officials should have knowledge, as their work brings them into contact with the subject matter of the statutes and with the state or local agencies whose responsibility it is to administer these laws.

Part II, contains the regulations adopted by the Public Health Council of the Department of Health under the rule-making power granted generally by Section 1235, paragraph (a), General Code, as follows:

"It shall be the duty of the public health council and it shall have the power:

(a) To make and amend sanitary regulations to be of general application throughout the state. Such sanitary regulations shall be known as the sanitary code."

Authority is also given in other sections of the statutes to adopt regulations concerning particular matters affecting the administration of public health procedures. Regulations adopted by the Public Health Council have the force and effect of statutory law, and a penalty, fixed by law, can be invoked for failure or refusal to comply with the provisions of such regulations.

The arrangement and content of this Manual is quite different from any previous edition and omissions and errors are to be expected. The director of health will be grateful if such omissions and errors are brought to his attention so that corrections may be made in future editions.

Previous editions of the Public Health Manual have been distributed without cost to health officials, libraries, and to other persons evidencing a need for its use. However, for the present volume, a charge must be made, as Section 154-66, of the General Code, provides: "Such book or pamphlet shall be furnished to any person who requests it upon payment of a charge not to exceed the actual cost of printing said book or pamphlet."

OHIO PUBLIC HEALTH MANUAL

Part I

GENERAL CODE SECTIONS

Sec. 154-1. (**Powers of governor; powers of other officers.**)

In order that the governor may exercise the supreme executive power of the state vested in him by the constitution and adequately perform his constitutional duty to see that the laws are faithfully executed, the administrative functions of the state are organized as provided in this chapter.

All powers vested in and duties imposed upon the lieutenant governor, the secretary of state, the auditor of state, the treasurer of state and the attorney general by the constitution and the laws shall continue except as otherwise provided by this chapter. (109 v. 105.)

Sec. 154-2. (**Definition of terms.**) As used in this chapter:

"Department" means the several departments of state administration enumerated in section 154-3 of the General Code.

"Division" means a part of a department established as provided in section 154-8 of the General Code, for the convenient performance of one or more of the functions committed to a department by this chapter.

The phrase "departments, offices and institutions" includes every organized body, office and agency established by the constitution and laws of the state for the exercise of any function of the state government, and every institution or organization which receives any support from the state. (109 v. 105).

Sec. 154-3. (**Administrative departments created.**) The following administrative departments are created:

* * * * *

The department of health, which shall be administered by the director of health, hereby created;

* * * * *

The director of each department shall, subject to the provisions of this act, exercise the powers and perform the duties vested by law in such department. (116 v. 511.)

Sec. 154-4. **(Appointment of directors.)** Each director whose office is created by section 154-3 of the General Code shall be appointed by the governor by and with the advice and consent of the senate, and shall hold his office during the pleasure of the governor; except the director of health who shall be appointed by the governor, by and with the advice and consent of the senate, from a list giving the names and qualifications of not less than six physicians, which list has been certified to him by the public health council. (118 v. 387.)

Sec. 154-5. **(Assistant directors; vacancies.)** In each department there shall be an assistant director, who shall be designated by the director to fill one of the offices within such department, enumerated in section 154-6 of the General Code, or as the head of one of the divisions created within such department as authorized by section 154-8 of the General Code. When a vacancy occurs in the office of director of any department, the assistant director thereof shall act as director of the department until such vacancy is filled. (109 v. 106.)

Sec. 154-7. **(Appointment of officers; term.)** The officers mentioned in sections 154-5 and 154-6 of the General Code shall be appointed by the director of the department in which their offices are respectively created, and shall hold office during the pleasure of such director. (109 v. 107.)

Sec. 154-8. **(Supervision and control of officers; establishment of divisions; consolidation or creation of new offices authorized; regulations may be prescribed.)** The officers mentioned in sections 154-5 and 154-6 of the General Code shall be under the direction, supervision and control of the directors of their respective departments, and shall perform such duties as such directors shall prescribe.

With the approval of the governor, the director of each department shall establish divisions within his department, and distribute the work of the department among such divisions. (*) Each officer created by section 154-6 of the General Code shall be the head of such a division.

With the approval of the governor, the director of each department shall have authority to consolidate any two or more of the offices created in his department by section 154-6 of the General Code, or to reduce the number of or create new divisions therein.

The director of each department may prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employes, the performance of its business and the

(*) See paragraph (d), Sec. 1235 G. C. (118 v. 388).

custody, use and preservation of the records, papers, books, documents and property pertaining thereto. (109 v. 107.)

Sec. 154-12. **Director of health, qualifications.)** The director of health shall be a physician holding a degree of doctor of medicine from a medical college approved by the state medical board and who, before assuming his duties, shall have been licensed to practice medicine in the state of Ohio. He shall have had experience in pursuing some phase of medical practice, and additional experience in public health administration. The term of office of the director of health shall be five years and he shall be removed only for incompetence or gross neglect of duty. (118 v. 387.)

Sec. 154-14. **(Bond and oath of office; bond may be required of employe.)** Each officer whose office is created by sections 154-3, 154-5 and 154-6 of the General Code shall, before entering upon the duties of his office, take and subscribe an oath of office as provided by law and give bond, conditioned according to law, with security to be approved by the governor in such penal sum as shall be fixed by the governor, not less in any case than ten thousand dollars. Such bond and oath shall be filed in the office of the secretary of state.

The director of each department may, with the approval of the governor, require any chief of a division created under the authority of this chapter, or any officer or employe in his department, to give like bond in such amount as the governor may prescribe. The premium, if any, on any bond required or authorized by this section may be paid from the state treasury. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 154-15. **(Advisory boards may be provided.)** The director of each department may, with the approval of the governor, establish and appoint advisory boards to aid in the conduct of the work of his department or any division or divisions thereof. Such advisory boards shall exercise no administrative function, and their members shall receive no compensation, but may receive their actual and necessary expenses. (109 v. 108.)

Sec. 154-16. **(Officers shall devote entire time and hold no other office.)** Each officer whose office is created by sections 154-3, 154-5 and 154-6 of the General Code, shall devote his entire time to the duties of his office, and shall hold no other office or position of profit. In addition to his salary provided by law, each such officer and each member of the boards and commissions in the departments created by this chapter shall be entitled to his actual and necessary expenses incurred in the performance of his official duties. (109 v. 109.)

Sec. 154-17. **(Central office shall be in Columbus.)** Each department shall maintain a central office in the city of Columbus. The director of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department. (109 v. 109.)

Sec. 154-18. **(Seal for each department; specifications; journals and records.)** Each department shall adopt and keep an official seal, which shall have engraved thereon the coat of arms of the state as described in section thirty of the General Code, shall be one and three-fourths inches in diameter, and shall be surrounded by the proper name of the department, to which may be added the title of any division, board or commission within the department, if the director of the department shall so prescribe. Such seal may be affixed to any writs and authentications of copies of records and official papers, and to such other instruments as may be authorized by law or prescribed by the proper authority in any department to be executed. When so authenticated, any copy of such record, official paper, or other instrument shall be received in evidence in any court in lieu of the original.

Each department shall provide for the keeping, within such department, of such records and journals as may be necessary to exhibit its official actions and proceedings. (109 v. 109.)

Sec. 154-19. **(Employment subject to civil service laws.)** Each department is empowered to employ, subject to the civil service laws in force at the time the employment is made, the necessary employes, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation. Nothing in this chapter shall be construed to amend, modify or repeal the civil service laws of the state except as herein expressly provided.

All offices created by sections 154-5 and 154-6 of the General Code shall be in the unclassified civil service of the state. (109 v. 109.)

Sec. 154-20. **(Daily hours of service by employes; two weeks' absence, on pay, each year.)** All employes in the several departments except the state highway department shall render not less than eight hours of labor each day. Saturday afternoons, Sunday and days declared by law to be holidays excluded, except in cases in which, in the judgment of the director, the public service will thereby be impaired. Each employe in the several departments shall be entitled during each calendar year to fourteen days leave of absence with full pay. In special and meritorious cases where to limit the annual leave

to fourteen days in any one calendar year would work peculiar hardship, it may, in the discretion of the director of the department, be extended. No employe in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law. (117 v. 906.)

Sec. 154-21. **(Cooperation and coordination of work under direction of governor.)** Under the direction of the governor, the directors of departments shall devise a practical and working basis for cooperation and coordination of work and for the elimination of duplication and overlapping functions. They shall, so far as practicable, cooperate with each other in the employment of services and the use of quarters and equipment. The director of any department may empower or require an employe of another department, subject to the consent of the superior officer of the employe, to perform any duty which he might require of his own subordinates. (109 v. 110.)

Sec. 154-22. **(Report by each department.)** Each department shall make and file a report of its transactions and proceedings at the time and in the manner prescribed by section 2264-1 of the General Code. (109 v. 110.)

Sec. 154-23. **(Power to inspect, examine, etc.)** Whenever power is vested in any of the departments created by this chapter, or in any other state department, board or commission, to inspect, examine, secure data or information, or to procure assistance from another department, office or institution, a duty is hereby imposed upon the department, office or institution, upon which demand is made, whether created by this chapter or otherwise, to make such power effective. (109 v. 110.)

Sec. 154-24. **(Rights, powers and duties heretofore vested or exercised by board, officer, commission, etc., transferred. Rights, powers, duties, etc., of persons, firms, corporations, etc.)** Whenever rights, powers or duties which have heretofore been vested in or exercised by any officer, board, commission, institution or department, or any deputy, inspector or subordinate officer thereof, are, by this chapter, transferred, either in whole or in part, to or vested in a department created by this chapter, or any other department, office or institution, such rights, powers and duties shall be vested in, and shall be exercised by the department, office or institution to which the same are hereby transferred, and not otherwise; and every act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the former officer, board, commission, institution or department, or any deputy, inspector, or subordinate

officer thereof. Every person, firm and corporation shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties were exercised by the officer, board, commission, department or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this chapter. Every person, firm and corporation shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in, the exercise of such right, power or duty by the officer, board, commission or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this chapter. Every officer and employe shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employe whose powers or duties devolve upon him under this chapter. (109 v. 110.)

Sec. 154-25. **(Service of notice and making reports.)** Wherever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon any officer, board, commission or institution, or deputy, inspector or subordinate thereof, abolished by this chapter, the same shall be made, given, furnished, or served in the same manner to or upon the department, office or institution upon which are devolved by this chapter the rights, powers and duties now exercised or discharged by such officer, board, commission or institution, or deputy, inspector or subordinate thereof; and every penalty for failure so to do shall continue in effect. (109 v. 111.)

Sec. 154-43. **(Department of health, powers and duties.)** The department of health shall have all powers and perform all duties vested by law in the state department of health, the commissioner of health, the public health council, or in the commissioner of health and the public health council acting jointly or otherwise, and the state inspector of plumbing; and also those vested in the secretary of state and the state registrar of vital statistics with respect to the registration of vital statistics as provided in sections one hundred and ninety-seven to two hundred and thirty-four, both inclusive,* of the General Code. (109 v. 120.)

(*) These sections repealed, 119 v. 126. Substituted therefor are G. C. sections 1261-44 to 1261-68, both inclusive, 119 v. 116. Effective April 30, 1941.

Sec. 154-44. (**Public health council.**) The public health council provided for by section 1234 of the General Code shall continue to exist in the department of health as hereby created, and shall exercise all powers vested in it by law. (118 v. 387.)

Sec. 154-61. (**Administrative procedure act.**) This act, comprising sections 154-61 to 154-73 of the General Code, shall be known and may be cited as the administrative procedure act. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-62. (**Definitions.**) The following words when used in this act shall have the meanings respectively ascribed to them in this section:

"Agency" means and includes any administrative or executive officer, department, division, bureau, board or commission of the government of the state of Ohio having the authority or responsibility of issuing, suspending, revoking or cancelling licenses. It shall not mean and include the public utilities commission of Ohio. Any function of an office, department, division, bureau, board or commission which does not pertain to the issuing, suspending, revoking or cancelling of licenses, shall not be subject to the provisions of this act. This act shall not apply to actions of the superintendent of banks, the superintendent of building and loan associations and the superintendent of insurance in the taking possession and liquidation of banks, building and loan associations, and insurance companies and associations, nor to any action that may be taken by the superintendent of banks under the provisions of sections 710-19, 710-88a and 710-107a of the General Code.

"License" means and includes any license, permit, certificate, commission or charter issued by any agency.

"Rule" means and includes any rule, regulation and standard concerning the licensing of, issuing of licenses to applicants, re-registering of or the conduct of licensees and the revocation or suspension of licenses of licensees, having a general and uniform operation, adopted, promulgated and enforced by any agency under the authority of the laws governing such agency, but it does not include regulations concerning internal management of the agency which do not affect private rights.

"Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by the provisions of this act.

"Person" means and includes person, firm, corporation, association or partnership.

"Appeal" means and includes the procedure by which a person

aggrieved by an order of any agency, invokes the jurisdiction of the court of common pleas. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-63. (**Adoption, amendment and rescission of rules.**) Every agency authorized by law to adopt, amend or rescind rules shall comply with the procedure prescribed in this act for the adoption, amendment or rescission of rules. Unless otherwise specifically provided by law, the failure of any agency to comply with such procedure shall invalidate any such rule or amendment hereafter adopted, or the rescission of any rule. No agency shall adopt any rule which is inconsistent with the constitution of the United States, the constitution of the state of Ohio or any law of this state. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-64. (**Procedure; emergency rules.**) In the adoption, amendment or rescission of any rule the agency shall comply with the following procedure:

(a) Reasonable public notice pursuant to rule adopted by such agency as hereinafter provided, shall be given at least thirty days prior to the date set for a hearing, in such manner and form and for such length of time as the agency shall determine and shall include: A statement of the agency's intention to consider adopting, amending or rescinding a rule; a synopsis of the proposed rule, amendment, or rule to be rescinded; and the date, time and place of a hearing on said proposed action. In addition to such public notice the agency may give whatever other notice it deems necessary. Within ninety days after the effective date of this act each agency shall adopt a rule setting forth in detail the method which such agency shall thereafter follow in giving public notice as to the adoption, amendment or rescission of rules.

(b) The full text of the proposed rule, amendment or rule to be rescinded shall be filed with the secretary of state at least thirty days prior to the date set for the hearing and shall be available at the office of the agency in printed or other legible form without charge to any person affected by such proposal. Failure to furnish such text to any person requesting it, shall not invalidate any action of the agency in connection therewith.

(c) On the date and at the time and place designated in the notice the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard.

(d) After complying with the foregoing provisions as to any proposed rule, amendment or rescission, the agency may issue an order adopting such proposed rule, amendment or rescission, and at

that time shall designate the effective date thereof which shall be not earlier than the tenth day after said rule, amendment or rescission shall have been filed in its final form with the secretary of state as hereinafter provided. No rule shall be amended after the effective date of this act except by a new rule which shall contain the entire rule as amended, and shall repeal the rule amended.

(e) Prior to the effective date of a rule, amendment or rescission thereof the agency shall make such effort as it deems reasonable to inform those affected thereby and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(f) If the governor, upon request of an agency, determines that an emergency requires the immediate adoption, amendment or rescission of a rule, he shall issue a written order, a copy of which shall be filed with the secretary of state, that the procedure herein prescribed with respect to the adoption, amendment or rescission of a specified rule be suspended and the agency may then adopt immediately said emergency rule, amendment or rescission and the same may be made to become effective on the date it is certified to and filed with the secretary of state as hereinafter provided. However, any such emergency rule, amendment or rescission shall become invalid at the end of the sixtieth day after the filing thereof with the secretary of state unless prior to that date the agency shall have complied with the procedure herein prescribed for the adoption, amendment and rescission of rules. If said agency fails to adopt said rule, amendment or rescission in conformity with the procedure herein prescribed within the said sixty day period the emergency rule shall become inoperative forthwith. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-65. **(Effective date of rules.)** Rules on file with the secretary of state when this act becomes effective shall continue in effect, and any rule which is not on file with that officer shall cease to be effective.

No rule adopted by an agency after the effective date of this act shall be effective before the tenth day after a certified copy thereof in final form shall have been filed with the secretary of state. The amendment or the rescission of any rule shall likewise be ineffective unless promulgated in the same manner. An emergency rule, amendment or rescission adopted as authorized in the next preceding section may become effective on the date of filing with the secretary of state; otherwise a rule, amendment or rescission of a rule shall become effective the tenth day after filing with the secretary of

state unless the agency in the adoption thereof has designated a later date.

It shall be the duty of the secretary of state to maintain currently and preserve in an accessible manner all rules filed by the various agencies. The files wherein such rules are kept shall be properly indexed and open for public inspection. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-66. **(Duty to compile and publish rules.)** It shall be the duty of each agency to compile currently, publish, and at all times have available for distribution in book or pamphlet form all laws administered by it, all rules of general and uniform operation promulgated by it, and those sections of the General Code comprising the administrative procedure act with which the agency is required to comply. Such book or pamphlet shall be furnished to any person who requests it upon payment of a charge not to exceed the actual cost of printing said book or pamphlet. Failure to furnish such book or pamphlet shall not invalidate any action of the agency. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-67. **(Admission to examination; issuance, renewal or denial of license.)** Any order of an agency denying an applicant admission to an examination or denying the issuance or renewal of a license, registration of a license, or revoking or suspending a license, shall be ineffective unless said agency is specifically authorized by law to make such order and unless a hearing has been afforded as required by this act or other law.

Each agency, where it claims that a person is required by statute to obtain a license shall afford that person a hearing if he claims that the law does not impose such requirement.

Every agency shall afford a hearing prior to the revocation of any license unless the right to a hearing is waived by the licensee or the agency is required by statute to revoke a license pursuant to the judgment of a court.

Every agency shall afford a hearing prior to the suspension of any license unless a statute specifically provides that the hearing may be after such suspension or the right to a hearing is waived by the licensee or a statute requires the agency to suspend a license pursuant to the judgment of a court.

Every agency shall afford a hearing upon the request of any person who has been refused admission to an examination where such examination is a prerequisite to the issuance of a license unless a hearing was held prior to such refusal.

Every agency shall afford a hearing upon the request of a person

whose application for a license has been rejected and to whom the agency has refused to issue a license, whether the same be a renewal or a new license, unless a hearing was held prior to the refusal to issue such license.

Where periodic registration of licensees is required by law the agency shall afford a hearing upon the request of any licensee whose registration has been denied, unless a hearing was held prior to such denial.

No licensee shall be required to discontinue the operation of a business or profession because of the failure of an agency to accept or reject said licensee's application for a new license of the same type or class, or renewal of an existing license, or application for registration, prior to the expiration of the license held by said licensee at the time said application was made where said application was filed with the agency within the time and in the manner provided by statute or rule of the agency. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-68. **(Hearings.)** Except in a case where a statute specifically permits a hearing after a suspension and in a case where a statute provides for an automatic termination of a license, an agency shall give notice to the licensee or applicant of a hearing prior to the revocation, suspension, refusal to issue or renew a license, register a licensee, or refusal to admit to an examination. Such notice shall be given by registered mail, return receipt requested, at least fifteen days before the date of such hearing and shall include: the charges against said licensee or applicant or other reasons for such proposed action; the law or rule of the agency the licensee or applicant is alleged to have violated, if any; the date, time and place of the hearing; and the statement that said licensee or applicant may be present thereat in person, by his attorney, or both, or may present his position, arguments or contentions in writing and at said hearing may present evidence and examine witnesses appearing for and against him.

Where the statutes specifically permit a hearing subsequent to a suspension of a license, notice of the agency's order in suspending the license shall be sent to such licensee by registered mail, return receipt requested, not later than the business day next succeeding such order. Such notice shall state the reasons for the agency's action, cite the law or rule of the agency the licensee is alleged to have violated, and state that said licensee will be afforded a hearing upon request. If within ten days after receipt of said notice the licensee requests a hearing the agency shall immediately set the

date, time and place for such hearing and forthwith notify the licensee thereof. The date set for such hearing shall be within fifteen days, but not earlier than seven days, after the licensee has requested a hearing, unless otherwise agreed to by both the agency and the licensee. In the notice giving the date, time and place of hearing the agency shall inform said licensee that he may be present at said hearing in person, by his attorney, or both, and may present evidence and examine witnesses appearing for and against him.

When any notice required by this act to be sent by registered mail, shall be returned because of inability to deliver, the notice required shall be published once a week for three consecutive weeks in a newspaper of general circulation in the county, where the last known place of residence or business of the licensee is located. A copy of the newspaper with the first publication of said notice marked shall be mailed to the licensee at such address and the notice shall be deemed received as of the date of the last publication.

Where a statute provides for an automatic termination of a license such termination shall be effective without a hearing.

The failure of an agency to give the notices for any hearing it is required to afford by this act in the manner provided in this section shall invalidate any order of the agency in revoking, suspending, refusing to issue, renew or register a license or admit an applicant to an examination. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-69. **(Date, time and place of hearing.)** The date, time and place of each hearing required by this act shall be determined by the agency. However, if requested by the applicant or licensee, in writing, the agency may in its discretion designate as the place of hearing either the county seat of the county wherein such person resides or a place within fifty miles of such person's residence.

In addition to the licensee or applicant, any person having an interest in or likely to be affected by the result of any hearing required by this act, shall be entitled to be present, in person, by his attorney, or both, and upon leave of the agency to present evidence and examine witnesses and to be heard. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-70. **(Conduct of hearing; witnesses; subpoenas; fees; referee; reports; journal entry.)** For the purpose of conducting any hearing required by this act the agency shall have the power to require the attendance of such witnesses and the production of such books, records and papers as it may desire, and further to take the depositions of witnesses residing within or without the state in the same manner as is prescribed by law for the taking of depositions in

civil actions in the common pleas court, and for that purpose the agency may, and upon the request of any person receiving notice of said hearing as required by section 154-68 of the General Code shall, issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in the common pleas court in criminal cases. Fees and mileage shall be paid from the fund in the state treasury for the use of the agency in the same manner as other expenses of the agency are paid.

In any case of disobedience or neglect of any subpoena served on any person or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the common pleas court of any county where such disobedience, neglect or refusal occurs, or any judge thereof, on application by the agency to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

Such hearing shall be had and the evidence for and against the revocation, suspension, issuance, renewal or registration of a license, or examination of an applicant for a license or the refusal to admit an applicant to an examination, shall be submitted as in the trial of civil actions.

At any hearing required by this act a stenographic report of the testimony and other evidence submitted shall be taken at the expense of the agency. Such report shall include all of the testimony and other evidence presented at the hearing.

The agency shall pass upon the admissibility of evidence, but a party may at the time make objection to the rulings of the agency thereon, and if the agency refuses to admit evidence, the party offering the same shall state the nature of such evidence and the facts which such party proposed to prove thereby, and such statement shall be made a part of the record of such hearing.

In any hearing required by this act the agency shall have the power to call the applicant or licensee, as the case may be, to testify under oath as upon cross-examination.

The agency, or any one delegated by it to conduct a hearing, shall have the authority to administer oaths or affirmations.

In any hearing required by this act the agency may appoint a referee or examiner to conduct said hearing who shall have the same powers and authority in conducting said hearing as granted hereto-

fore to the agency. Such referee or examiner shall have been admitted to the practice of law in the state of Ohio and be possessed of such additional qualifications as the agency may require. The referee or examiner shall submit to the agency written reports setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the agency. A copy of such written report and recommendation of the referee or examiner shall within five days of the date of filing thereof, be served upon each interested party or the attorney of record of each interested party by registered mail. Each interested party may, within ten days of receipt of such copy of such written report and recommendation, file with the agency written objections to the report and recommendation, which objections shall be considered by the agency before approving, modifying or disapproving the recommendation. The agency may grant extensions of time to any interested party within which to file such objections. No recommendation of the referee or examiner shall be approved, modified or disapproved by the agency until after ten days after service of such report and recommendation as herein provided. The agency may order additional testimony to be taken or permit the introduction of further documentary evidence. The recommendation of the referee or examiner may be approved, modified or disapproved by the agency, and the order of the agency based on such report, recommendation, transcript of testimony and evidence, objections of interested parties, if any, and additional testimony and evidence, if any, shall have the same force and effect as if such hearing or hearings had been conducted by the agency. No such recommendation shall be final until confirmed and approved by the agency as indicated by the order entered on its record of proceedings.

After such order is entered on its journal the agency shall serve by registered mail, return receipt requested, upon the person or persons affected thereby a certified copy of the order revoking, suspending, refusing or denying a license, or refusing to register a licensee or refusing to admit an applicant to an examination. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-71. (**Attorney general to represent agency.**) At any hearing required by this act and in all proceedings in the courts of this state or of the United States to which any agency is a party, the attorney general or any one or more of his assistants or special counsel who have been designated by him to act as attorney for the agency shall represent the agency. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-72. (**Appeal to common pleas court on rules; procedure.**) Any person adversely affected by an order of an agency in adopting, amending or rescinding a rule may appeal to the court of common pleas of Franklin county on the ground that said agency failed to comply with the law in adopting, amending, rescinding, publishing or distributing said rule, or that the rule as adopted or amended by the agency is unreasonable or unlawful or that the rescission of the rule was unreasonable or unlawful.

Any person desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of his appeal. Such notice of appeal shall be filed within ten days after the order of said agency and prior to the effective date of such rule, amendment or order of rescission and such notice shall operate as a stay of the effective date thereof unless the appeal shall have been heard and determined prior to such effective date. A copy of said notice of appeal forthwith shall be filed by appellant with the said court.

Within ten days after a notice of appeal is filed the agency shall transmit to the clerk of the court of common pleas of Franklin county a transcript of its record of proceedings relating to said rule. Within three days after receiving the transcript of the record the court shall set the date, time and place for a hearing and immediately notify the appellant and the agency thereof. Such hearing shall be held within twenty days after receiving the transcript of the record and the decision of the court shall be rendered within thirty days after the conclusion of said hearing and upon consideration of any testimony and evidence adduced at said hearing, the arguments, and briefs of counsel, and the transcript of the record of proceedings as transmitted by the agency.

If the court decides that the procedural requirements in adopting, amending or rescinding a rule have been complied with by the agency and that the rule as adopted or amended by the agency is reasonable and lawful or that the rescission of the rule was reasonable and lawful it shall affirm the order of the agency. If the court decides that the procedural requirements in adopting, amending or rescinding a rule have not been complied with by the agency or that the rule as adopted or amended by the agency is unreasonable or unlawful or that the rescission of the rule was unreasonable or unlawful it shall declare invalid such order by said agency.

Any order of the court in reviewing on appeal an order of any agency in adopting, amending or rescinding a rule shall be final unless an appeal is taken therefrom but no person affected thereby shall be thereafter precluded from attacking the reasonableness or

legality of any rule in its application to a particular set of facts or circumstances. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 154-73. (**Appeal on revocation or denial of license; procedure; court order.**) Any person whose license has been revoked or suspended, or whose application for a license, renewal of a license, registration as a licensee, or admission to an examination for a license, has been rejected by any agency and any person granted leave by an agency to intervene may appeal to the common pleas court of the county in which the place of business of the licensee is located or the county in which the licensee is a resident from the order of said agency, provided, however, that appeals from decisions of the department of liquor control or the board of liquor control shall be to the court of common pleas of Franklin county only.

Any such person desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of his appeal. A copy of such notice of appeal shall also be filed by appellant with the court. Such notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as herein provided.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of an agency. However, if it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal the court may grant a suspension and fix its terms and conditions.

Within ten days after receipt of notice of appeal from an order in any case wherein a hearing is required by this act the agency shall prepare and certify to the court a complete record of the proceedings in said case. Such record shall include: the application filed with such agency whether the same be for a license, renewal, registration thereof, or for admission to an examination; a copy of the license if a license was issued or if not issued then a copy of the letter rejecting said application; a copy of the notice of hearing as required by section 154-68, General Code, and the receipt showing service thereof; the stenographic report of the testimony offered, the evidence submitted at said hearing, and the order of the agency in such case as entered in its journal. Such record shall be prepared and transcribed and the expense thereof shall be taxed as a part of the costs on the appeal. The appellant must provide security for costs satisfactory to the court of common pleas. Upon demand by any interested party the agency shall furnish at the cost of the party requesting same a

copy of the stenographic report of testimony offered and evidence submitted at any hearing.

In the hearing of the appeal the court shall be confined to the record as certified to it by the agency, provided, however, the court may grant a request for the admission of additional evidence when satisfied that such additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the agency.

The court shall conduct a hearing on such appeal and shall give preference to all proceedings under this act over all other civil cases, irrespective of the position of any such proceedings on the calendar of the court. The hearing in the court of common pleas shall proceed as in the trial of a civil action, and the court shall determine the rights of the parties in accordance with the statutes applicable to such action. At such hearing counsel may be heard on oral argument, briefs may be submitted, and evidence introduced if the court has granted a request for the presentation of additional evidence.

The court may affirm, reverse, vacate or modify the order of the agency complained of in the appeal and its order shall be final and conclusive unless reversed, vacated or modified on appeal to the court of appeals.

The court shall certify its judgment to such agency or take such other action in connection therewith as may be required to give its judgment effect. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 161-I. (Certified copy of rules and regulations adopted by state departments, boards, etc., to be filed with secretary of state; effective date; recorded by secretary of state; amendment; repeal.)

No rule or regulation heretofore or hereafter adopted by any board, commission, department, division or bureau of the government of the state of Ohio shall be effective until the tenth day after it shall have been promulgated by the filing of a certified copy thereof in the office of the secretary of state of the state of Ohio, except a rule or regulation of an emergency nature necessary for the immediate preservation of the public peace, health or safety, which rule or regulation shall state the reason for such necessity and shall become effective immediately upon being promulgated as herein provided; provided, however, that the rules, regulations and amendments thereto, adopted by any board, commission, department, division or bureau of the government of the state of Ohio prior to the effective date of this act shall continue in full force and effect for a period of thirty days after the effective date of this act unless previously repealed.

No rule or regulation of any board, commission, department, division or bureau of the government of the state of Ohio shall be effective on and after the fifteenth day of October, 1941, unless expressly promulgated as provided herein.

All rules and regulations filed in the office of the secretary of state pursuant to the provisions of this section shall be recorded by the secretary of state under the title of the board, commission, department, division or bureau adopting such rule or regulation and shall be numbered consecutively under such title. Such rules and regulations shall be public records open to public inspection.

No rule or regulation filed in the office of the secretary of state, pursuant to the provisions of this section, shall be amended except by a new rule, which new rule shall contain the entire rule as amended and shall repeal the rule amended. Such amendatory rules and regulations shall be adopted and promulgated in the same manner as herein provided for the adoption and promulgation of the rules and regulations which are thereby amended.

No repeal of any rule or regulation shall be effective until the tenth day after the filing with the secretary of state of a certified copy of the order of repeal of such rule or regulation.

Provided, however, that the provisions of this section shall not apply to any orders respecting the duties of employees, or to any finding, or to any determination of a question of law or fact in a matter presented to such board, commission, department, division or bureau.

Provided, further, that the provisions of this section shall not apply to a rule as defined in section 154-62, General Code, in the administrative procedure act. (120 v. S. 36. Eff. September 3, 1943.)

NOTE: See also G. C. 1236.

Sec. 375. **(Ohio water supply board created; membership.)** The Ohio water supply board is hereby created, consisting of the director of agriculture, the director of commerce, the director of health, the director of public works, the dean of the college of engineering of the Ohio state university and the state geologist, who shall convene within thirty days from the effective date of this act for the purpose of organization. The director of agriculture, the director of commerce, the director of health and the director of public works, may each, from time to time, designate an officer or employee of his department as his deputy to serve in his absence for the purpose of this section. (119 v. 168.)

Sec. 375-1. **(Compensation; expenses; employment of secretary, assistants, etc.)** The members of the Ohio water supply board shall

serve without compensation as such but shall be entitled to their actual and necessary expenses incurred in the performance of their duties as such members, payable from the appropriations for the board. Subject to such appropriations, the board may employ a secretary and such number of technical and administrative assistants as may be deemed necessary, and fix their respective compensations which, together with their actual and necessary expenses incurred in the performance of their duties, shall be paid in like manner. (119 v. 169.)

Sec. 375-2. **(Duties and powers of board.)** The Ohio water supply board shall collect, study and interpret all available information and statistics pertaining to the supply, use, conservation and replenishment of the consumable underground and surface water in the state.

To this end, it shall have power to require of any state department, officer, board or commission, the director of any conservancy district, and any county, township or municipal department, officer, board or commission in this state, any and all information and statistics which any such public authority may have available and which the Ohio water supply board may deem pertinent. Such requisition shall be in writing and shall specify the general nature of the information or statistics desired. The public authority to which such requisition is addressed shall within two weeks after receipt thereof ascertain whether or not such information or statistics or the basis thereof are contained in its records and files, and, if not, shall promptly notify the board to that effect; and, if so, shall determine whether the desired information or statistics, in the form indicated by the board's requisition, can be furnished within such time as the public authority may estimate, without undue expense to such public authority and undue interruption of its public service, in which event such public authority shall accept the board's requisition and notify the board, in writing, as to the estimated time within which such information or statistics will be furnished. If the public authority finds that the desired information or statistics, or the basis thereof, are contained in its records and files, but that such information or statistics in the form indicated by the board's requisition, cannot be furnished without undue expense to such public authority or without undue interruption of its public service, it shall in writing notify the board to that effect, in which event the board shall have access to the files and records of such public authority and through its own employees may make copies or compilations from any documents or records therein containing pertinent information

or statistics or the basis thereof, but subject to such reasonable restrictions and conditions as may be imposed by such public authority. Nothing in this act shall be so construed as to authorize the board to investigate the subject of transportation by water. (119 v. 169.)

Sec. 375-3. **(Cooperation by public authorities.)** Within the scope of his or its authority, as prescribed by law, each public authority mentioned or described in section 375-2 hereof shall cooperate with the Ohio water supply board in securing information and statistics which may be requested by the board and pertinent to the performance of its duties. (119 v. 170.)

Sec. 375-4. **(Gifts, bequests, etc.)** The Ohio water supply board may accept gifts, contributions, devises and bequests of money or property and use or expend the same, or their proceeds, in carrying on its work, without conveyance to the state or payment to the state treasurer; but in the event of any such gift, devise or bequest, the board shall appoint a treasurer and require of him an appropriate bond, which shall be filed in the office of the secretary of state. Any political subdivision in this state shall have power to make contributions to the board. (119 v. 170.)

Sec. 375-5. **(Board shall meet, when; rules and regulations.)** The Ohio water supply board shall meet at the call of the chairman and may adopt rules and regulations for the holding of regular meetings and all other necessary and proper details of its organization and business. (119 v. 170.)

Sec. 375-6. **(Advisory committee; membership; organization; compensation.)** There shall be an advisory committee to the Ohio water supply board, consisting of five members, not more than three of whom shall be of the same political party, to be appointed by the governor. One such member shall represent commerce and industry; one, agriculture; one, labor; one, municipal cooperations, and one, the general public interest. One of the members first appointed shall serve for a term of five years, one for four years, one for three years, one for two years and one for one year. Thereafter, each member of such advisory committee shall serve for a term of five years. Vacancies shall be filled by appointment for the unexpired term.

The advisory committee shall be convened by the chairman of the Ohio water supply board and shall at its first meeting elect from its membership a chairman and a secretary who shall serve for one year and until their successors are elected. The advisory committee may, by a majority vote, adopt, and, from time to time, amend such

rules of procedure as in its judgment are necessary and proper for its own government. The members of the advisory committee shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attendance upon the meetings of the committee, payable from appropriations to the water supply board. (119 v. 170.)

Sec. 375-7. **(Meetings; recommendations to board.)** The advisory committee shall meet with the Ohio water supply board at the call of the chairman of the board, not fewer than four times in each year. The committee shall advise with and may make recommendations to the Ohio water supply board relative to any matter or thing pertinent to the powers and duties of the board. (119 v. 171.)

Sec. 375-8. **(Power to solicit and obtain information and statistics; agreements with federal agencies.)** The Ohio water supply board shall have power to solicit and obtain pertinent information and statistics voluntarily furnished by any person, firm or corporation engaged in an activity which would occasion the acquisition of such information, of the compilation of such statistics or by any college, university or scientific society or person engaged in scientific research. The board may, on its own initiative or otherwise, make and enter into such cooperative or contractual arrangements with the United States geological survey or other agency of the federal government as may effectuate the purpose of this act as indicated by section 375-2 hereof. (119 v. 171.)

Sec. 375-9. **(Annual report.)** The Ohio water supply board shall make an annual report to the governor and the general assembly, showing the progress of its work and containing such findings of fact as it may have made and such recommendations for legislation as it may deem necessary or appropriate. (119 v. 171.)

Sec. 469. **(State reservoirs dedicated to use of public for parks and pleasure resorts. Names of lakes.)** The body of water and adjacent state lands in Licking, Fairfield and Perry counties, known as the Licking reservoir or Buckeye Lake; the body of water and adjacent state lands in the northwestern part of Logan county, known as the Lewistown reservoir or Indian Lake; the body of water and adjacent lands owned by the state, in the county of Mercer, known as the Lake St. Marys; the bodies of water and adjacent lands owned by the state consisting of the Summit county lakes and reservoirs of the Ohio canal, known as the Portage-Summit reservoirs, together with the Summit lake and sufficient of the Summit level of the Ohio canal to maintain the present water level of Summit

and Nesmith lakes, and the body of water and exterior lands adjacent thereto that are included in the reservoir constructed by the board of public works in Coventry township for the purpose of supplying water for the Ohio canal, known as "North reservoir," all situated in Summit county; likewise the body of water and adjacent lands owned by the state in Shelby and Auglaize counties, and known as the Loramic reservoir, are hereby dedicated and set apart forever for the use of the public, as public parks or pleasure resorts. The bodies of water mentioned in this section shall, in the order in which they are described be named and designated as follows: "Buckeye Lake," "Indian Lake," "Lake St. Mary's," "The Portage Lakes," and "Lake Loramic." (107 v. 183.)

Sec. 1. (*) **(Purchase of certain lands in Columbiana County for state park and pleasure resort. Deed.)** The director of highways and public works is authorized to purchase the site of the abandoned lake and reservoir of the Sandy and Beaver canal, located in Hanover township, Columbiana county, Ohio, commonly known as the "Guilford dam" and such additional lands contiguous to such lake site to constitute not more than a total of five hundred acres, including the lake and additional lands, and when so purchased to be a state park and pleasure resort to be known as "Guilford lake." A part of such additional lands to such lake site shall constitute a berm of at least fifty feet in width entirely surrounding such lake.

The attorney general shall prepare the forms of such deeds necessary to pass title to the state of Ohio, for such site and lands and approve the title and transfer before acceptance and payment. (111 v. 100.)

Sec. 2. (*) **(When set aside as a public park and pleasure resort; laws applying. Repairs and improvements.)** When such lands are acquired by the state they are hereby dedicated and forever set aside as a public park and pleasure resort for the free use of the public and all the laws applying to state parks and pleasure resorts shall apply to Guilford lake after the purchase has been completed. It shall be the duty of the director of highways and public works to make such repairs and improvements as are necessary to place such lake site and park in a proper condition for use by the general public as a public resort for fishing, boating, bathing, shooting and other outdoor recreations. (111 v. 100.)

Sec. 4. (*) **(Special sanitary district created; jurisdiction, control and management. Pymatuning Lake.)** The territory of the state

(*) This section was not given a General Code section number.

of Ohio within the area of lands to be flooded, inundated and submerged as the result of the construction of said dam and extending back one mile therefrom, shall, on the effective date of this act and thereafter, be a special sanitary district under the jurisdiction, control and management of the state department of health for sanitary purposes; and the refusal or failure of any person to comply with the regulations or orders of the department of health relating to sanitary conditions in said special sanitary district shall be deemed to be a violation thereof, subject to the penalties otherwise provided by law for the violation of lawful regulations and orders of said department of health. (113 v. 545.)

Sec. 479. (**Rules for guidance of conservation commissioner and police patrolmen.**) The following rules are hereby adopted for the guidance of the conservation commissioner and of the police patrolmen appointed by said conservation commissioner in the discharge of their official duties:

* * *

* * *

* * *

Rule 19. (**Information for convenience of public; serving notices.**) Patrolmen shall at all times hold themselves ready to furnish information regarding parks, train service and location of hotels, cottages, boats, etc., as will promote the convenience and interests of the public; such information shall always be given in a cheerful, courteous manner and without charge. They shall also serve notices furnished them by the state board of health, and carry out its instructions in all matters relating to sanitation at state reservoir parks. (113 v. 559.)

* * *

* * *

* * *

Rule 40. (**Disposal of garbage.**) No lessee of a state lot, cottage owner, or other occupant of a cottage located upon state or adjacent lands shall deposit garbage upon the rear of such lot or throw the same into the lake, but such garbage shall be burned or removed from the premises so as not to be a nuisance to the cottage owners either on or off the state land. (113 v. 563.)

* * *

* * *

* * *

Rule 89. (**Special sanitary district; control and management.**) The territory included within any state park or pleasure resort and surrounding lands extending back one mile therefrom, is hereby designated a special sanitary district, to be under the control and management of the state board of health for sanitary purposes, and any failure to comply with the notices of said department relating

to sanitary conditions, shall be deemed a violation of the terms of this act. (113 v. 572.)

Rule 90. **(Powers and duties of state board of health.)** The state board of health shall have power to make and enforce rules and regulations relating to the location, construction and repair of stock-yards, hog-pens, stables, privies, cesspools, sinks, plumbing, drains and all other places where offensive substances or liquids may accumulate within such sanitary district and said board of health shall have power to abate all such nuisances, and may remove or correct all unsanitary conditions detrimental to the health and well-being of the community included in such sanitary district, and may, when necessary, certify the costs and expenses thereof to the county auditor, to be assessed against the property of the offending party, and thereby made a lien upon it and collected as other taxes. (113 v. 572.)

Rule 91. **(Arrest and prosecution on violation of order.)** When any specific order of the state board of health is neglected or disregarded by parties, after due notice, said board may cause the arrest and prosecution of all persons so offending in accordance with the terms of this act. Notice by the state board of health to abate or correct a nuisance shall be served upon parties offending in accordance with the terms of section 4422 of the General Code. (113 v. 573.)

Rule 92. **(Drainage into reservoir prohibited.)** No sewer, drain or other connection with closets, cesspools, sinks, privies or other places where offensive or unsanitary matter accumulates, shall be drained or discharged into any state reservoir, and no garbage, offal or filth of any kind shall be thrown or discharged, in any manner, into any such reservoir or immediate tributary thereto, and this rule shall apply to all houseboats and buildings erected over the waters of any state reservoir. (113 v. 573.)

Sec. 479-1. **(Penalty.)** Any person convicted of violation of any of the foregoing rules shall be fined not less than ten dollars, nor more than one hundred dollars. (106 v. 380.)

Sec. 486-19. **(Municipal civil service commission; appointment; term; powers and duties; vacancies; removals; appeal; public health employes; suspension of chief of police or chief of fire department.)** The mayor or other chief appointing authority of each city in the state shall appoint three persons, one for a term of two years, one for four years, and one for six years, who shall constitute the municipal civil service commission of such city and of the city school district and city health district in which such city is located, provided,

however, that members of existing municipal commissions shall continue in office for the terms for which they have been appointed and until their successors are appointed and have qualified. Each alternate year thereafter the mayor or other chief appointing authority shall appoint one person, as successor of the member whose term expires, to serve six years and until his successor is appointed and qualified. A vacancy shall be filled by the mayor or other chief appointing authority of a city for the unexpired term. At the time of any appointment not more than two commissioners shall be adherents of the same political party. Such municipal commission shall prescribe, amend and enforce rules not inconsistent with the provisions of this act for the classification of positions in the civil service of such city, city school district, and all the positions in the city health district; for examinations and registrations therefor; and for appointments, promotions, removals, transfers, layoffs, suspensions, reductions and reinstatements therein; and for standardizing positions and maintaining efficiency therein. Said municipal commission shall have and exercise all other powers and perform all other duties with respect to the civil service of such city, city school district and city health district, as herein prescribed and conferred upon the state civil service commission with respect to the civil service of the state; and all authority granted to the state commission with respect to the service under its jurisdiction shall, except as otherwise provided in this act, be held to grant the same authority to the municipal commission with respect to the service under its jurisdiction. The procedure applicable to reductions, suspensions and removals, as provided for in sections 486-17 and 486-17a of the General Code, shall govern the civil service of municipalities. The expense and salaries of any such municipal commission shall be determined by the council of such city and a sufficient sum of money shall be appropriated each year to carry out the provisions of this act in such city.

Present employees of city health districts and city health departments shall continue to hold their positions until removed in accordance with the civil service laws.

If the appointing authority of any such city fails to appoint a civil service commission or commissioner, as provided by law, within sixty days after he has the power to so appoint, or after a vacancy exists, the state commission shall make the appointment, and such appointee shall hold office until the expiration of the term of the appointing authority of such city and until the successor of such appointee is appointed and qualified. If any such municipal commission fails to prepare and submit such rules and regulations in pur-

suance of the provisions of this act within six months after this act goes into effect, the state commission shall forthwith make such rules. The provisions of this act shall in all other respects, except as provided in this section, be in full force and effect in such cities.

It shall be the duty of each municipal commission to make reports from time to time, as the state commission may require, of the manner in which the law and the rules and regulations thereunder have been and are being administered, and the results of their administration in such city, city school district and city health district. A copy of the annual report of each such municipal commission shall be filed in the office of the state commission as a public record.

Whenever the state commission shall have reason to believe that a civil service commission of any city is violating or is failing to perform the duties imposed upon it by law, or that any member of such municipal commission is wilfully or through culpable negligence violating the provisions of the law or failing to perform his duties as a member of such commission, it shall institute an investigation, and if in the judgment of the state commission, it shall find any such violation or failure to perform the duties imposed by law, it shall make a report of such violation in writing to the chief executive authority of such city, which report shall be a public record.

Upon the receipt of such report from the state civil service commission, charging a municipal civil service commissioner with violating or failing to perform the duties imposed by law, or wilfully or through culpable negligence violating the provisions of the law by failure to perform his duties as a member of such municipal civil service commission along with the evidence on which such report is based, the chief executive officer of such municipality shall forthwith remove such municipal civil service commissioner. In all cases of removal of a municipal civil service commissioner by the chief executive authority of any such city, an appeal may be had to the court of common pleas in the county in which such municipality is situated to determine the sufficiency of the cause of removal. Such appeal shall be taken within ten days from the decision of the chief executive authority of such city. Should the common pleas court disaffirm the judgment of the chief executive authority, such commissioner shall be reinstated to his former position in the municipal civil service commission. The chief executive authority of such city may at any time remove any municipal civil service commissioner for inefficiency, neglect of duty, or malfeasance in office, having first given to such commissioner a copy of the charges against him and

an opportunity to be publicly heard in person or by counsel in his own defense.

The mayor shall have the exclusive right to suspend the chief of the police department or the chief of the fire department for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given him by the proper authority or for any other reasonable and just cause. If either the chief of police or chief of the fire department is so suspended, the mayor forthwith shall certify such fact, together with the cause of such suspension, to the municipal civil service commission, who within five days from the date of receipt of such notice shall proceed to hear such charges and render judgment thereon, which judgment may affirm, disaffirm or modify the judgment of the appointing officer, and an appeal may be had from the decision of the commission to the court of common pleas as is provided for in section 486-17a of the General Code to determine the sufficiency of the cause of removal. (119 v. 543.)

Sec. 486-33. **(Public employes' retirement system; membership compulsory; exemptions.)** A state employes retirement system is hereby created for the employes of the state of Ohio. Membership in the state employes retirement system shall be compulsory and shall consist of all state employes, either as original members or as new members upon being regularly appointed. Provided, however, that any original member may be exempted from membership by filing written application for such exemption with the retirement board within three months after this act goes into effect. And provided further, that the board shall have authority to exempt from compulsory membership in the retirement system, classes or groups of employes engaged in work of a temporary, casual, or exceptional nature, but individuals in any such class or group so exempted may become members by making application therefore, subject to the approval of the retirement board, provided, however, that any employe who is, or who becomes, a member must continue such membership as long as he is a state employe, even though he may be in or transferred to an exempted class or group. (120 v. S. 89. Eff. June 30, 1943.)

Sec. 486-33a. **(Public employes' retirement system; retirement board; contracts and agreements; exemptions.)** The state employes retirement system created by section 486-33, General Code, shall hereafter be known as the public employes retirement system, and the state employes retirement board shall hereafter be known as the public employes retirement board. Provided, however, that all legal, valid and authorized contracts and agreements entered into by the

state employes retirement board shall be binding on the public employes retirement board. Beginning July 1st, 1938, in addition to the present membership of said retirement system, there shall be included therein all county, municipal, park district, conservancy, health, and public library and beginning October 1, 1943, there shall be included therein all township employes as defined herein, and such county, municipal, park district, conservancy, health, township and public library employes, except as otherwise provided herein, shall have all the rights and privileges and be charged with all the duties and liabilities provided for in the laws relating to said retirement system as are applicable to state employes. Provided, however, that any member may be exempted from membership by filing written application for such exemption with the retirement board within three months after this act goes into effect.

Any employee who so exempted himself shall have the right to withdraw such exemption at any time prior to December 31, 1943, and to make such payments, with regular interest thereon, as he would have made if he had been a member continuously. The retirement board shall have full power to determine the amount and manner of such payments. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-33b. **(Prior service; credit for service; how secured; refund.)** The service of all such county, municipal, park district, conservancy, and township, health, public library, and/or state employes prior to January 1, 1935, shall be included as prior service, provided such persons are present county, municipal, park district, conservancy, health, township or public library employes. Provided, however, that if the public retirement board shall determine that a position as such employe in any one calendar year was a part time position, the retirement board shall have the authority to determine what fractional part of a year's credit shall be given. Credit for service between January 1, 1935, and June 30, 1938, may be secured by any such county, municipal, park district, conservancy, health or public library employe, provided he or she shall pay into the employes' savings fund an amount equal to the full additional liability assumed by such fund on account of the crediting of such years of service. Credit for service between January 1, 1935, and October 1, 1943, may be secured by any township employe, provided he or she shall pay into the employes' savings fund an amount equal to the amount he or she would have paid if he or she had been continuously a member of the retirement system since January 1, 1935, or since his or her date of employment, subject to such rules and regulations relative to the amount and manner of payment as may be adopted

by the retirement board. The retirement board shall have final authority to determine and fix the amount and manner of payment that any such county, municipal, park district, conservancy, health, or public library employe shall pay on account of such service between January 1, 1935, and June 30, 1938, who desires to claim credit therefor. Such payment together with the regular interest as defined by section 486-32, General Code, shall be refunded in the event of the death or withdrawal from service of the member prior to retirement under the same conditions and in the same manner as refunds are made under sections 486-65 and 486-66, General Code, from the employes' savings fund. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-33c. **(Definitions; exemptions by board from compulsory membership.)** For the purposes of this act, "county or municipal employes" shall mean any person holding a county or municipal office, not elective, in the state of Ohio, and/or paid in full or in part by any county or municipality in any capacity whatsoever. "Park district employe" shall mean any person holding a park district office not elective in the state of Ohio or any person in the employ of a park district and/or paid in full or in part by a park district created by law. "Conservancy employe" shall mean any person holding a conservancy office not elective in the state of Ohio and/or paid in full or in part by a conservancy district. For the purposes of this act a sanitary district shall be considered a conservancy district and employes of any such sanitary district shall be considered as conservancy employes, and the retirement board shall have authority to grant to any such employes who were employes of any such sanitary district between the dates of April 18, 1938, and June 30, 1938, both dates inclusive, all rights and privileges of original membership, including a period of three months after the effective date of this act during which such employes may be permitted to claim exemption from participation in the retirement system. "Health employe" shall mean any person holding a health office not elective in the state of Ohio and/or paid in full or in part by any county, municipal or other health district created by law. "Public library employe" shall mean any person holding a position in a public library, in the state of Ohio, and paid in full or in part by the board of trustees of a public library.

"Township employee" shall mean any person holding a position in a township in the state of Ohio, and/or paid in full or in part by such township. But said term shall not include those persons who come within the provisions of any other retirement system established under the provisions of the laws of this state or of any charter,

nor shall the provisions of this act in any manner apply to a police relief fund or a firemen's pension fund established under provisions of law. No employe except an employe who comes within the provisions of a police relief fund or a firemen's pension fund shall be excluded from membership in the retirement system because of membership in any other retirement system established under the provisions of the laws of this state or of any charter unless such employe is contributing to such other retirement system on the basis of two thousand dollars per annum or is receiving a disability allowance from such other retirement system. The board shall have authority to exempt from compulsory membership in the retirement system classes or groups of employes engaged in work of a temporary, casual or exceptional nature, but individuals in any such class or group may become members by making application therefor, subject to the approval of the retirement board; provided, however, that any county, municipal, park district, conservancy, health, township or public library employe who is, or who becomes a member must continue such membership as long as he is such employe, even though he may be in or transferred to an exempted class or group. In all cases of doubt the retirement board shall determine whether any person is a county, municipal, park district, conservancy, health, township or public library employe as defined herein, and its decision shall be final.

"The head of the department" as applied to county, municipal, park district, conservancy, health, township or public library employes shall mean the elective or appointive head, as the case may be, of the several administrative, legislative and judicial departments, institutions, boards and commissions of the county or municipal government, as the same are created and defined by the General Code, or in case of a charter government by such charter. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-33d. **(Duties of counties, municipalities, etc.)** Counties, municipalities, park districts, conservancy districts, health districts, townships and public libraries and the heads of the departments thereof shall, except as otherwise provided herein, perform the same duties as are required of the state and heads of departments thereof under the laws relating to said retirement system. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-33e. **(Contribution of employe; deduction.)** Beginning July 1, 1938, each county, municipal, park district, conservancy, health, or public library employe, and beginning October 1, 1943, each township employe, who is a member of said system shall contribute

to the employes savings fund the same rate per centum of his earnable salary or compensation, not exceeding two thousand dollars per annum, as is required for each state employe member by section 486-68, General Code, and the head of the department shall deduct the same from his compensation in the same manner as is required of heads of state departments and the same additional amount shall be deducted from compensation of such employe to defray the expenses of administration as shall be required of each state employe member under the provisions of section 486-69, General Code. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-33f. Repealed (120 v. H 419. Eff. September 16, 1943.)

Sec. 486-33g. **(Statement of retirement board to fiscal officers; contents; copy to budget commission; appropriation.)** The retirement board shall prepare and submit to the commissioners of each county and to the executive head of each municipality, park district, conservancy district, health district and to the board of trustees of each township and each public library, prior to July 15 of each year, an itemized statement of the amounts necessary to pay the obligation of each county, municipality, park district, conservancy district, health district, township or public library accruing during the year beginning January 1 of the following year, and shall submit to the budget commission of each county a copy of such statement for said county and for each municipality, township and public library within such county. The amount so certified to each county, township, public library and municipality shall be included in its budget and allowed by the budget commission.

The commissioners of each county, the legislative body of each municipality, the board of commissioners of any park district, the board of directors of any conservancy district, the fiscal officers of any health district and the board of trustees of each township and public library shall appropriate sufficient funds to provide for such obligations.

The commissioners of each county, the legislative body of each municipality, the board of commissioners of any park district, the board of directors of any conservancy district, the fiscal officers of any health district and the board of trustees of each township and public library may reimburse the fund from which such appropriation is made by transferring to such fund from any other fund or funds of such subdivision, the proportionate amount of such appropriation that should be chargeable to such fund or funds whether such fund or funds be derived from taxation or otherwise.

Provided, however, that, any other provision of the law to the

contrary notwithstanding, such payment may be made directly out of any funds, whether derived from taxation or otherwise, from which the salaries or compensation of employes, on account of whom such payments are to be made, are payable. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-34. **(Administration and management of retirement board; membership of board.)** The general administration and management of the public employes retirement system and the making effective of the provisions of this act are hereby vested in a board to be known as the "public employes retirement board," which shall consist of seven members as follows: The attorney general, the auditor of state, the chairman of the state civil service commission, and four other members known as employe members, one of whom shall be a state employe member of the retirement system and who shall be elected by ballot by the state employe members of the retirement system from among their number, another of whom shall be a county employe member of the retirement system and who shall be elected by ballot by the county employe members of the retirement system from among their number, another of whom shall be a municipal employe member of the retirement system and who shall be elected by ballot by the municipal employe members of the retirement system from among their number, and another of whom shall be a park district or a conservancy or health or a public library or a township employe member of the retirement system and who shall be elected by ballot by the park district, conservancy, health, township and public library employe members of the retirement system from among their number, in a manner to be approved by the retirement board. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-35. **(Election of employe members; term.)** The first election of employe members of the retirement board shall be conducted by and under the supervision of the attorney general, the auditor of state and the chairman of the civil service commission, acting as a canvassing board, within thirty days after this act becomes effective. At the first election each state employe shall have the right to vote for two candidates for membership on the retirement board. One for a term of two years and one for a term of one year, the candidate receiving the greater number of votes shall be deemed elected for the two year term. Their successors shall be elected for terms of two years each. (115 v. 616.)

Sec. 486-36. **(Vacancies; how filled.)** Any vacancy occurring in the term of any employe member of the retirement board shall be filled by the remaining members of the board for the unexpired term

of such member and the appointee shall serve until his successor is elected and qualified.

Any employe member of the retirement board who fails to attend the meetings of the board for three months or longer, without valid excuse, shall be considered as having resigned and the board shall declare his office vacated as of the date of the adoption of a proper resolution. (117 v. 57.)

Sec. 486-37. (Election for member of board; term of office; eligibility; nomination by petition.) The election for the state employe member of the retirement board shall be held on the first Monday in October in each even numbered year, beginning in 1938, for a term of two years starting on the first day of January following such election. The first election for the county employe member of the retirement board shall be held immediately following the passage of this act for a term ending December 31, 1939, and thereafter the elections for the county employe member of the retirement board shall be held on the first Monday in October in each odd numbered year, for a term of two years starting on the first day of January following such election. The term of office of the second and most recently elected state employe member of the state employes retirement board shall terminate upon the election of the county employe member of the public employes retirement board. The first election for the municipal employe member of the retirement board shall be held immediately after the passage of this act, for a term to end December 31, 1938. Thereafter the election for the municipal employe member shall be held on the first Monday in October in each even numbered year, beginning in 1938, for a term of two years starting on the first day of January following such election. The first election of the employe member of the retirement board to represent the park district, conservancy, health, and public library employes shall be held on the first Monday in October in each odd numbered year, beginning in 1939, for a term of two years starting on the first day of January following such election; provided that, for the period from the effective date of this act to the date of such election, the present members of the retirement board shall appoint a person to act as a representative of the park district, conservancy, health, and public library employes as a member of the retirement board. The present employe members of said board and each succeeding employe member shall hold office until their successors are elected and qualified.

Any member of the retirement system shall be eligible for election as a member of the retirement board and the name of any

state employe member who shall be nominated by a petition signed by at least one hundred state employe members of the retirement system and any county employe member who shall be nominated by a petition signed by at least one hundred county employe members of the retirement system and any municipal employe member who shall be nominated by a petition signed by at least one hundred municipal employe members of the retirement system, and any employe member of a park district, conservancy district, health district, township, or public library who shall be nominated by a petition signed by at least one hundred park district, conservancy, health, township, and public library employe members of the retirement system shall be placed upon the ballots by the retirement board as a regular candidate. Names of other eligible candidates may at any election be substituted for the regular candidates by writing such names upon the ballots. The candidate receiving the highest number of votes for any term as a member of the retirement board shall be elected a member of the retirement board for the term for which he was elected. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-47. (Prior service credit; status of public employe in armed services, or defense work.) Any other provisions of law notwithstanding, one year of contributing membership in the retirement system shall entitle a member to receive prior service credit for services prior to January 1, 1935, in any capacity which comes within the provisions of the public employes retirement act, provided that such member has not lost membership at any time by the withdrawal of his accumulated contributions upon separation.

Upon presentation of an honorable discharge and subject to such rules and regulations as may be adopted by the retirement board, any member of the retirement system who was or is out of active service as a state, county, municipal, park district, conservancy district, health district, township, or public library employe by reason of having become a member of the land or naval forces of the United States on active duty or service shall have such service considered as the equivalent of prior service. Average prior service salary for new members shall be the salary received by the employee for the fiscal year preceding his call to active duty or service into the land or naval forces of the United States, provided such salary credit does not exceed \$2,000.00. Any member of the retirement system or anyone who becomes a new member who is employed for essential national defense work by any employer as defined in this act shall have the right to make regular contributions to the retirement system even though his salary is paid from federal funds, provided,

however, that his salary is disbursed by an employer as defined in this act. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-49. **(Individual accounts shall be kept; other data.)**
The retirement board shall provide for the maintenance of an individual account with each member showing the amount of the member's contributions and the interest accumulations thereon. It shall collect and keep in convenient form such data as shall be necessary for the preparation of the required mortality and service tables, and for the compilation of such other information as shall be required for the actuarial valuation of the assets and liabilities of the various funds created by this act. Upon the basis of the mortality and service experience of the members and beneficiaries of the system, the retirement board from time to time shall adopt such tables as may be deemed necessary for valuation purposes and for determining the amount of annuities to be allowed on the basis of the contributions of members. (115 v. 620.)

Sec. 486-59. **(Members may retire, when; members retired by board; service extension; pension not forfeited by elective official.)**
On and after January 1, 1939, any member, except a new member with less than five years of service, who has attained sixty years of age, may retire by filing with the retirement board an application for retirement. The filing of such application shall retire such member as of the end of the quarter of the calendar year then current.

On June 30 following the date upon which he becomes a member the retirement board shall retire any employe who was over seventy years of age at the time he became a member and shall retire all other members, except elective officers, on the June 30 following the date upon which the age of seventy is attained. Provided, that until June 30, 1945, any member having reached the age of seventy years may, upon written application approved by the head of his department or institution, be continued in service for a period of one year, or any part thereof, such applications to expire on the June 30 following the date upon which they were filed unless renewed on or before the expiration date. On and after June 30, 1945, no such applications for continuation in service shall be approved, and any member who accepts an allowance under sections 486-59, 486-60, or 486-61 of the General Code, or who is compelled to retire at the age of seventy years and who withdraws his accumulated contributions in lieu of accepting a retirement allowance shall be ineligible for regular re-employment in any capacity which comes within the provisions of the public employes retirement act.

In the event any retired pensioner, after such retirement, is

elected to a full-time salaried office by the electors of the state or any political subdivision thereof at any election, such pensioner, by the acceptance of any such office shall not forfeit his pension but the same shall be held in abeyance during the period such pensioner so holds such office and receives the salary therefor. (120 v. S. 89. Eff. June 30, 1943.)

Sec. 486-60. (**Allowance upon superannuation retirement.**) Upon superannuation retirement, a state employe shall be granted a retirement allowance consisting of:

(a) An annuity having a reserve equal to the amount of the employes accumulated contributions at that time, and, provided such employe shall not hold any remunerative office or employment in any federal, state, county or local government.

(b) A pension of equivalent amount, and

(c) An additional pension, if such employe is an original member, equal to one and one-third per centum of his average prior service salary multiplied by the number of years of service in his prior-service certificate. (117 v. 57.)

Sec. 486-61. (**Commutated superannuation allowance.** Any state employe who has completed thirty-six years of total service may retire, if a member, on a commuted superannuation allowance by filing with the retirement board an application for such form of allowance. The filing of such application shall retire such member as of the end of the year then current. Upon retirement on a commuted superannuation allowance, a state employe shall be granted a retirement allowance consisting of:

(a) An annuity having a reserve equal to the amount of the state employe's accumulated contributions at that time, and

(b) A pension of equivalent amount, and

(c) An additional pension, if such state employe is an original member, having a reserve equal to the amount of the total liability of the employer's accumulation fund for the payment of the pension allowable on superannuation retirement by reason of prior-service as certified in such employe's prior-service certificate. Provided, however, that no state employe retiring after thirty-six years of service shall receive less than forty-five dollars per month as a total retirement allowance. Except that if an employe also shall have attained the age of sixty at retirement his total retirement allowance shall not be less than fifty dollars per month. A year of service for the purpose of applying the minimum retirement allowance is defined as a complete year of full-time employment, or the equivalent thereof. The retirement board shall be the final authority in deter-

mining the eligibility of an employe for such minimum allowance. (120 v. S. 89. Eff. June 30, 1943.)

Sec. 486-62. **(Medical examination for disability.)** Medical examination of a member for disability retirement shall be made upon the application of the head of department or upon the application of the member or of a person acting in his behalf stating that said member is physically or mentally incapacitated for the performance of duty and ought to be retired, provided that the said member was a state employe as defined in this act for not less than ten years preceding his retirement and was a member in each of such ten years which were subsequent to the year 1935. If such medical examination, conducted by a competent disinterested physician, or physicians, selected by the retirement board, shows that the said member is physically or mentally incapacitated for the performance of duty and ought to be retired, the examining physician, or physicians, shall so report to the retirement board and it shall retire the said member on a disability allowance forthwith if he is under the superannuation retirement age, or on a superannuation allowance if he has attained or passed such age, except that no retirements for disability shall be made prior to January 1, 1938. (117 v. 57.)

Sec. 486-63. **(Disability retirement allowance.)** Upon disability retirement, a member shall receive a retirement allowance which shall consist of:

(a) An annuity having a reserve equal to the amount of the employe's accumulated contributions at that time; and

(b) A pension which, together with his annuity, shall provide a retirement allowance of one and one-fifth per centum of his average salary during the last ten years or fraction thereof immediately preceding retirement, multiplied by the number of his years of total-service, but not less than thirty per centum of said average salary, with the exception that in no case shall the retirement allowance exceed nine-tenths of the allowance to which he probably would have been entitled had retirement been deferred to the age of sixty.

The allowances of any members on disability retirement on July 1, 1943, shall be re-computed as of that date on the basis provided in this section.

No member of the retirement system who served in any branch of the land, air, or naval forces of the United States shall receive a disability allowance, if the probable cause of such disability is the result of military service, unless the Veterans Administration, or other qualified agency, shall certify to the retirement board that no

pension or allowance would be payable to any person on the basis of such disability. (120 v. S. 89. Eff. June 30, 1943.)

Sec. 486-63a. **(Method of computing allowance for service where retiring member is also member of state teachers or school employees retirement system.)** Any other provisions of law to the contrary notwithstanding: (a) A member of the public employees retirement system who has ceased to be an employee as defined in this act, and who is also a member of either the state teachers retirement system or the school employees retirement system, or both, hereafter referred to as the state retirement systems, shall not be entitled to withdraw his accumulated contributions.

(b) The total service credited in all state retirement systems shall be used in determining the service requirement of a member for the purpose of disability retirement. The amount of the disability retirement allowance shall be determined upon the assumed basis that such total service was rendered and all accumulated contributions deposited in this system. The retirement board shall retire such member provided the greatest number of years is in this system and each of the other retirement systems shall pay to this system at least annually its proper proportionate share of such allowance based upon the ratio that the service credit in either or both of the other systems is to the total service credit in all systems.

(c) The total service credited in all state retirement systems may be used in determining the eligibility and the total retirement allowance of a member for the purpose of superannuation retirement as provided in sections 486-59, 486-60, and 486-61 of the General Code. The retirement board shall retire such member provided the largest retirement allowance is payable by this system. The total retirement allowance shall equal the combined retirement allowances payable by all of the state retirement systems. At least annually each state retirement system shall pay to this system its share of such total allowance.

(d) The retirement board shall grant credit for all prior service as now defined by this act which was not granted to members who retired prior to June 30, 1938. Allowances to such persons shall be recomputed effective as of July 1, 1943. (120 v. S. 89. Eff. June 30, 1943.)

Sec. 486-63b. **(Employment during an emergency of persons receiving retirement allowances; declaration and notice of employment; procedure where declaration not made; suspension and resumption of retirement allowance; procedure in case of death.)** Until July 1, 1945, any employer, as defined by this act, may employ

any person or persons receiving retirement allowances under the provisions of sections 486-59, 486-60, and 486-61 of the General Code, such retired persons hereinafter to be referred to as superannuates, provided such employer shall formally declare that an emergency exists, and shall file with the retirement board a copy of such declaration, together with the name or names of the superannuates who are to be employed. In any case of employment of such superannuates without having filed the aforesaid declaration and notice of employment, such employer shall pay to the retirement board an amount equal to the portion of the retirement allowance paid to such superannuates subsequent to the date of employment from funds provided by the employer. The retirement allowances being paid to such superannuates shall cease within a maximum period of thirty days following such acceptance of re-employment. In case of the death of a superannuate during a period of re-employment, the retirement board shall pay to the estate or beneficiary of such deceased superannuate the total of all suspended annuity payments to which such superannuate was entitled from his accumulated contributions, with interest on such deferred amount at such rate as the retirement board shall determine.

When a superannuate is re-employed as provided herein, he shall become a new member of the retirement system and shall have all rights and privileges and be charged with all obligations of such membership.

If a superannuate thus re-employed again ceases to be an employe, the retirement board shall resume within thirty days of such separation the exact retirement allowance to which such person was formerly entitled. In addition thereto, the retirement board shall pay in one sum the total of all suspended annuity payments to which such superannuate was entitled from his accumulated contributions, with interest on such deferred amount at such rate as the retirement board shall determine.

The retirement board shall have authority to make rules and regulations, not inconsistent with the provisions of this section, to carry into effect the provisions thereof and to prevent abuse of the rights granted. (120 v. S. 89. Eff. June 30, 1943.)

Sec. 486-64. **(Disability beneficiary considered on leave of absence; annual medical examination; restoration to position and salary, when; allowance ceases, when; refusal to submit to medical examination.)** A disability beneficiary, notwithstanding the provisions of this act, shall be considered on leave of absence during his first five years on the retired list and shall retain his membership in

the retirement system. Once each year during said period, the retirement board shall require any disability beneficiary under the minimum age for superannuation retirement to undergo medical examination, said examination to be made at the place designated by the retirement board. Upon completion of such examination by an examining physician, or physicians, selected by the retirement board, the examiner shall report and certify to the board whether said beneficiary is physically and mentally capable of resuming service similar to that from which he was retired. If the retirement board concur in a report by the examining physician, or physicians, that the said disability beneficiary is capable of resuming service similar to that from which he was retired, the board shall so certify to the civil service commission, in case he is employed in the classified service, and if not, to his last employer before retirement and said civil service commission or employer, by the first day of the next succeeding year shall restore said beneficiary to his previous position and salary or to a position and salary similar thereto. Should any disability beneficiary die during such leave of absence aforesaid his estate shall be paid the balance of his accumulated contribution, if any, which remains to his credit at his death. Should a disability beneficiary be restored to active service his retirement allowance shall cease and the annuity and pension reserves on his allowance at that time in the annuity and pension reserve fund shall be transferred from the annuity and pension reserve fund to the employees' savings fund and the employer's accumulation fund respectively. Should any disability beneficiary, during his first five years on the retired list and while under the age of sixty years, refuse to submit to a medical examination as required by this act, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his right in and to such retirement allowance shall be forfeited. After a disability beneficiary has been on the retired list for a period of five years he shall not be required to submit to further disability examination. (117 v. 57.)

Sec. 486-65. (**Payment to contributor who ceases to be a state employee.**) A contributor who ceases to be a state employe for any cause other than death or retirement, upon demand, within ten years after such cessation of service, shall be paid the accumulated contributions standing to the credit of his individual account in the state employees' savings fund. Ten years after such cessation of service, if no previous demand has been made, any accumulated contributions of a contributor shall be returned to him or to his legal representative. If the contributor or his legal representatives cannot then be found,

his accumulated contributions shall be forfeited to the retirement system and credited to the guarantee fund. (115 v. 625.)

Sec. 486-65a. (**Membership shall cease, when; exception; leave of absence.**) Membership shall cease upon refund of accumulated contributions or upon retirement except as provided in section 486-64 of the General Code, relative to disability retirement. A member who separates from his service as a public employe for any reason other than death or retirement may leave his accumulated contributions, if any, on deposit with the retirement board and, for the purposes of the retirement system, be considered on a leave of absence for a period of five years, at the end of which period, if such member has not returned to active service as a public employe, the retirement board may, upon application, grant such additional leave as the retirement board may deem proper, providing that such additional leave shall not exceed a period of five years. A member who ceases to be a state, county, municipal, park district, conservancy, health, township, or public library employe and who does not withdraw the accumulated contributions standing to his credit in the employes savings fund and who subsequently becomes eligible and accepts membership in any other retirement system established under the provisions of the laws of this state or of any charter shall be considered for retirement purposes as being on an indefinite leave of absence as long as such member retains membership in such other retirement system. Members on such leaves of absence shall retain all rights and privileges of membership in the retirement system. Members who separated from the state service subsequent to October 20, 1933, and prior to January 1, 1935, shall be considered upon such leave. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-66. (**Payment on death of contributor.**) Should a contributor die before retirement, his accumulated contributions shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the retirement board. If no legal representatives can be found, his accumulated contributions shall be forfeited to the retirement system and credited to the guarantee fund. (115 v. 625.)

Sec. 486-67. (**Beneficiary may elect manner of payment; options.**) Until the first payment on account of any benefit is made, the beneficiary may elect to receive such benefit in a retirement allowance payable throughout life, or the beneficiary may then elect to receive the actuarial equivalent at that time of his annuity, his pension, or his retirement allowance, in a lesser annuity, or lesser

pension, or a lesser retirement allowance, payable throughout life, with the provision that,

Option 1. Upon his death, his annuity, his pension, or his retirement allowance shall be continued through the life of and paid to such person, having an insurable interest in his life, as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

Option 2. Upon his death, one-half of his annuity, his pension, or his retirement allowance, shall be continued through the life of such person, having an insurable interest in his life, as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

Option 3. Some other benefit or benefits shall be paid to the beneficiary or to such other person or persons as he shall nominate, provided such other benefit or benefits, together with such lesser annuity or lesser pension, or lesser retirement allowance, shall be certified by the actuary engaged by the retirement board to be of equivalent actuarial value to his annuity, his pension, or his retirement allowance, and shall be approved by the retirement board. (117 v. 57.)

Sec. 486-68. **(Per centum of compensation required as contribution; deduction.)** Beginning January 1st, 1935, each state employee who is a member of the state employees retirement system shall contribute four per centum of his earnable salary or compensation, not exceeding two thousand dollars per annum, to the employees savings fund. The head of the department shall deduct from the compensation of each contributor on each and every pay-roll of such contributor for each and every pay-roll period subsequent to the date upon which such contributor became a member, an amount equal to four per centum of such contributor's earnable salary or compensation, provided that the amount of a contributor's earnable salary or compensation in excess of two thousand dollars per annum shall not be considered. The retirement board may accept contributions provided for in this act on any salary or salaries earned during any pay-roll period or periods without regard to the maximum salary provisions, provided deductions cease entirely for the remainder of the calendar year if and when the total contributions deducted from the member's salary for the employees savings fund for such calendar year equal four per centum of two thousand dollars. In determining the amount earnable by a contributor in a pay-roll period, the retirement board and the head of the department may consider the rate of compensation payable to such contributor on the first day of the pay-

roll period, and deductions may be omitted from such compensation for any period less than a full pay-roll period, if an employee was not a contributor on the first day of the pay-roll period. (118 v. 112.)

Sec. 486-68a. (**Payment to "normal contribution" and "deficiency contribution" funds; rates of contributions.**) Beginning January 1, 1939, each county, municipality, park district, conservancy district, health district, and public library as employers, and beginning January 1, 1945, the state of Ohio as employer, and beginning October 1, 1943, each township as employer, shall pay to the employer's accumulation fund a certain per centum of the compensation of each employe member, to be known as the "normal contribution," and a further per centum of the earnable compensation of each such member to be known as the "deficiency contribution." The rates per centum of such contribution shall be fixed on the basis of the liabilities of the retirement system and shall be certified to the director of finance, and to the heads of the various departments, by the retirement board after each actuarial valuation. Beginning January 1, 1938, and until January 1, 1939, each county, municipality, park district, conservancy district, health district and public library, shall pay to the retirement board into such funds as the board may designate, an amount not exceeding one and twenty-five hundredths per centum of the earnable salary or compensation of each employe member, as may be certified by the retirement board. In computing the contributions of each county, municipality, park district, conservancy district, health district, township and public library, as herein provided, the amount of a contributor's earnable salary or compensation in excess of two thousand dollars per annum shall not be considered. Beginning January 1, 1938, and until January 1, 1945, the state shall pay to the retirement board into such funds as the board may designate, the amount necessary to pay the state's share of the retirement allowance of such state employes who may be retired during that period, and any unexpended balance in such appropriation existing on December 31, 1944, shall lapse into the fund from which such moneys are appropriated. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 486-68b. (**"Normal contribution" rate, how determined**) On the basis of such mortality and other tables as shall be adopted by the retirement board, the actuary engaged by the retirement board to make each valuation required by this act during the period over which the deficiency contribution is payable, immediately after making such valuation, shall determine uniform and constant percentage of the earnable compensation of the average new member who is a

contributor, which, if contributed on the basis of the compensation of such contributor throughout his entire period of active service, would be sufficient to provide at the time of his retirement the total amount of his pension reserve. The rate per centum so determined shall be known as the "normal contribution" rate. After the deficiency contribution has ceased to be payable, the normal contribution shall be at the rate per centum of the earnable salary of all contributors obtained by deducting from the total liabilities of the employer's accumulation fund of the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future salary of all contributors as computed on the basis of the mortality and service tables adopted by the retirement board and shall be certified to the director of finance by the retirement board and shall continue in force until a new valuation and certification. (117 v. 57.)

Sec. 486-68c. (**"Deficiency contribution."**) Immediately succeeding the first valuation, the actuary engaged by the retirement board shall compute the percentage of the total compensation of all contributions during the preceding year which is equivalent to four per centum of the amount of the total pension liability to all contributors not dischargeable during the remainder of the active service of all contributors by the aforesaid normal contribution. The contributions derived by deductions at the rate per centum so determined shall be known as the "deficiency contribution." (117 v. 57.)

Sec. 486-68d. (**Payments into employer's accumulation fund by state; purpose.**) On and after January 1, 1939, each county, municipality, park district, conservancy district, health district and public library, and on or after January 1, 1945, the state and on or after October 1, 1943, each township, shall pay into the employer's accumulation fund, in such monthly or less frequent installments as the retirement board shall require an amount certified by the retirement board which shall equal the per centum of the total compensation, earnable by all contributors during the preceding year, which is the sum of the two rates per centum hereinbefore described and required to be computed, to wit, the sum of the normal contribution rate plus the deficiency contribution rate. The aggregate of all such payments by the state shall be sufficient, when combined with the amount in the employer's accumulation fund, to provide the pensions payable out of the fund during the year then current, and if not, the additional amount so required shall be collected by means of an increased rate per centum of the deficiency contribution which shall be certified to

the state by the retirement board and shall continue in force for the period of one year. (120 v. H. 419. Eff. September 16, 1943.)

Sec. 843-1. **(What deemed to be a hotel.)** Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, and having one or more dining rooms or cafes where meals or lunches are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in buildings in connection therewith, and every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, shall, for the purpose of this act, be deemed a hotel. (108 v. 288.)

Sec. 843-2. **(Term restaurant defined.)** Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where meals or lunches are served for consideration, without sleeping accommodations, shall, for the purpose of this act, be defined to be a restaurant. (108 v. 288.)

Sec. 843-3. **(Who shall procure license; transfer, when.)** On or before May first, nineteen hundred and twenty, and the first day of January in each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant, or both in this state and who shall hereafter engage in conducting such business in this state, shall procure a license for each hotel or restaurant so conducted or proposed to be conducted; provided, that one license shall be sufficient for each combined hotel and restaurant where both are conducted in the same building and under the same management. No hotel or restaurant shall be maintained and conducted in this state after the taking effect of this act without a license. A person, firm or corporation who has received a license as aforesaid, upon the sale or disposition of said hotel or restaurant or the removal to a new location may, upon obtaining consent of the state fire marshal, have said license transferred but no license shall be transferred without his consent.

Provided, however, that a license to maintain and operate a hotel shall not be issued to the keeper, owner or lessee of any hotel, nor the keeper or owner of a rooming or boarding house, where accommodations for assignation purposes are furnished, nor to any keeper,

owner, or lessee who has been convicted of keeping a place in violation of the law relating to houses of assignation or places of public nuisance.

Nothing in this act shall be construed to apply to family hotels, apartment houses, lodging houses, rooming houses, or dining or sleeping cars, hospital or college dormitories, but a license shall be issued for any such hotel or house, upon application, in the manner and form provided with respect to hotels, and upon the payment of a like license fee, and thereupon such licensee shall be deemed and held to be subject to the provisions of this act, and entitled to all the benefits and privileges and subject to all the obligations and penalties thereof. (119 v. 32.)

Note: Report violation to State Fire Marshal.

Sec. 843-5. **(Sanitary provisions.)** In every hotel or restaurant the person, firm or corporation operating which is required to have a license by the provisions of this act, the kitchen, dining room, cellar, office, ice boxes, refrigerators and all places where foods are prepared, kept or stored, shall be kept clean and in a sanitary condition. The toilets and outclosets shall, at all times be kept in a clean and sanitary condition in such restaurants and hotels. All garbage, tin cans and kitchen refuse must be kept in a tight, metal can with a lid encircling the top of the can and said contents must be removed once daily. The dining rooms, kitchens and pantries where food is kept, stored or served, must be thoroughly screened from flies and insects. Serving tables, trucks, trays, boxes, buckets, knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing or serving foods are required to be thoroughly sterilized daily by hot water or steam, and thoroughly cleaned and the clothes and hands of cooks, stewards, waiters and persons handling food must be clean and sanitary.

In all restaurants and hotels where food is on display the same shall have full protection from dust, dirt, flies and vermin by being kept under a glass case. (108 v. 289.)

Sec. 843-6. **(Employees must be free from certain diseases.)** No person suffering from or afflicted with tuberculosis, a venereal or a contagious disease shall be employed in or about any part of a restaurant or its kitchen, or handle food stuffs or products used therein, and the state fire marshal or his deputies shall have the power to compel a person handling food stuffs in any restaurant or hotel to present a certificate from a reputable physician showing him or her to be free from any infectious or contagious disease. (108 v. 290.)

Sec. 843-9. (**Plumbing, lighting and ventilation.**) Every hotel and restaurant in this state shall have proper plumbing, lighting and ventilation which shall conform to the provisions of the building code so far as they apply. (108 v. 290.)

Sec. 843-10. (**Lavatories, sinks, drains, closets, etc.**) In all cities and villages where a system of waterworks and sewerage is maintained for public use, every hotel and restaurant coming under this act shall within six months after the taking effect of this act be equipped with a sufficient number of suitable water-closets for the accommodation of its guests, which water-closets shall be ventilated and connected by proper plumbing with such sewerage system. All lavatories, bathtubs, sinks, drains, closets and urinals in such hotels or restaurants shall be properly constructed and shall be kept clean and well ventilated at all times. Separate apartments shall be furnished for different sexes, each being properly designated. (108 v. 291.)

Sec. 843-11. (**Beds and bedding.**) All hotels shall provide each bed, bunk, cot or other sleeping place for the use of guests with pillow slips and under and top sheets. Such top sheets shall be at least ninety inches in length. Such sheets and pillow slips shall be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, shall be washed and ironed before being used by another guest. (108 v. 291.)

Sec. 843-12. (**Bedding, floors, carpets, etc., must be kept sanitary.**) All bedding, including mattresses, quilts, blankets, pillows, sheets and comforts used in any hotel or rooming house in this state must be thoroughly aired, disinfected and kept clean; and no bedding which is infested with vermin or bedbugs shall be used on any bed in any hotel or rooming house. All floors, carpets and equipment in hotels and restaurants, and all walls and ceilings shall be kept in a clean and sanitary condition at all times. (108 v. 291.)

Sec. 843-13. (**When fumigation required.**) When any room has been occupied by a person having an infectious or contagious disease, such room shall not be used again until thoroughly fumigated and the bedding and pillows therein disinfected. (108 v. 291.)

Sec. 843-14. (**Bed in cook room prohibited.**) No cot, bed or bunk may be kept or used for sleeping purposes in any room in which foodstuffs are prepared or cooked.

(**Notice, how served.**) All notices to be served by the state fire marshal, provided for in this act, shall be in writing and shall be either delivered personally or by United States mail addressed to

the owner, agent, lessee or manager of such building and premises, or the owner, lessee, agent or manager of such hotel or restaurant. (108 v. 291.)

Sec. 1009. **(Providing toilets, dressing rooms, etc.)** The owner or person having charge of the building wherein any female is employed shall provide in each establishment on the same floor or the floor immediately above or immediately below the floor where such employe works, suitable and separate toilet and dressing rooms and water-closets, properly ventilated, for the exclusive use of such employes. Such toilet and dressing rooms and water closets shall be situated together, with one water-closet for every twenty-five females or less, and where there are more than twenty-five females employed, additional water-closets shall be provided in the same ratio; no toilet or dressing room or water-closet shall be placed in the basement or cellar unless females are actually and regularly employed therein, and unless such basement or cellar is properly ventilated. (102 v. 488.)

Sec. 1010. **Closets in towns without sewerage.)** In cities, towns and villages not provided with water works and sewerage, closets in the same ratio as above mentioned in section 1009 shall be placed on the outside of such building, at a distance not to exceed fifty and not less than twenty feet from such building, with suitable and separate toilet and dressing rooms in such building, or such building may be provided with a dry closet system at the same ratio provided in section 1009, all closets to be supplied with disinfectants and kept in good sanitary condition at all times. (102 v. 489.)

Sec. 1011. **(Penalty; enforcement.)** Any person, partnership or corporation or agent thereof, who shall violate any of the provisions of this act, shall upon conviction be fined not less than twenty-five dollars, nor more than two hundred dollars. It shall be the duty of the chief inspector of workshops and factories to see that the provisions of this act are enforced, and in all prosecutions brought by or under the direction of the chief inspector for the violation of this act, the complainant shall not be held to give security for costs or adjudged to pay any costs, but in all cases where the accused is acquitted, the costs shall be paid out of the county treasury of the county in which proceedings have been brought; any justice of the peace, police judge or mayor of any city or village shall have the same jurisdiction provided in sections 13423, 13432, 13433, 13434, 13435, 13436,* 13437, 13438 and 13439 of the general code in all cases of

(*) This section repealed.

prosecution for the violation of any of the provisions of this act. (102 v. 489.)

Sec. 1011-1. **(Sanitary wash rags; penalty.)** No person, firm, co-partnership, or corporation, operating a workshop or factory, shall furnish or deliver to any employee, any cloth or other material to be used as wiping rags by employes in such workshops or factory, unless such cloth or other material shall first be thoroughly washed with soap and alkali soda, sterilized with chemical preparations and dried with an average heat of 212 degrees. Whoever violates any of the provisions of this act, for a first offense shall be fined not less than twenty-five dollars nor more than one hundred dollars; for a second offense shall be fined not less than two hundred dollars nor more than three hundred dollars; and for a third and each subsequent offense, shall be imprisoned in the workhouse for not less than thirty days nor more than ninety days. (110 v. 314)

Sec. 1012. **(Plumbing and ventilation of bakeries; use of cellar or basement.)** All bakeries shall be drained and plumbed in a sanitary manner and provided with such air-shafts, windows or ventilating pipes, as the chief inspector of workshops and factories or a district inspector directs. No cellar or basement shall be used as a bakery, except that the foregoing provision as to the prohibition of the use of a cellar or basement as a bakery shall not apply to establishments in which the sale of bakery products is not the primary business and which were doing business under the laws of Ohio on and before the effective date of this act. (120 v. H. 411. Eff. May 28, 1943.)

Sec. 1013. **(Wash rooms, etc., apart from bakery.)** Each bakery shall be provided with a suitable wash room and water-closet apart from the bake room where manufacturing of food products is conducted. No water-closet, earth-closet, privy or ash-pit shall be in or communicate directly with a bake shop or any bakery for a hotel or public restaurant. (93 v. 160.)

Sec. 1014. **(Height of room; side walls and ceiling.)** Each room used for the manufacture of flour and meal food products shall be at least eight feet in height. Side-walls of such a room shall be plastered or wainscoted and the ceiling plastered or ceiled with lumber or metal. If required by the inspector of workshops and factories, such side-walls and ceilings must be whitewashed or painted at least once in three months. The furniture, utensils and machinery of each room shall be so arranged as to be easily moved and the furniture and floor kept thoroughly cleaned and in a sanitary condition. (93 v. 160.)

Sec. 1015. **(Storage of manufactured products.)** Manufactured

flour or meal food products shall be kept in dry and airy rooms so arranged that the floors, shelves and other facilities for storing them can be easily and thoroughly cleaned. (93 v. 160.)

Sec. 1016. **(Sleeping places.)** The sleeping places for persons employed in a bakery shall be kept separate from a room in which flour and meal products are manufactured or stored. The chief inspector of workshops and factories or a district inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned and changed in compliance with sanitary principles. (93 v. 160.)

Sec. 1020. **(Rooms used for manufacture of wearing apparel or tobacco goods.)** No dwelling or building or room or apartment thereof in or connected with a tenement, dwelling or other building shall be used, except by the immediate members of the family living therein, for carrying on any process of making wearing apparel or goods for wear, use or adornment, or for manufacturing cigars, cigarettes or tobacco goods in any form, if such wearing apparel or other goods are to be exposed for sale or sold by a manufacturer, wholesaler or jobber or by a retailer, unless such room or apartment is made to conform to the requirements and regulations herein provided. (92 v. 317.)

Sec. 1021. **(Entrances required for such room.)** Each room or apartment used for the purposes named in the preceding section, except by the immediate members of the family living therein, shall be regarded as a shop or factory and shall be separate from and have no door, window or other opening into a living or sleeping room of a tenement or dwelling. No such shop or factory shall be used for living or sleeping purposes or contain any bed, bedding or cooking utensils, or other utensils, except those required to carry on the work therein. Each such shop or factory shall have a direct entrance from the outside, and, if above the first floor, have a separate and distinct stairway leading thereto, and be well and sufficiently lighted, heated and ventilated. (92 v. 317.)

Sec. 1022. **(Water-closets for such rooms.)** A shop or factory used for the purposes named in the preceding two sections shall have suitable closet arrangements for each sex employed therein. When there are ten or more persons and three or more to the number of twenty-five are of either sex, a separate and distinct water-closet, either inside the building with adequate plumbing and connections, or on the outside at least twenty feet from the building, shall be provided for each sex. When the number employed is more than twenty-

five of either sex, there shall be provided an additional water-closet for each sex up to the number of fifty persons and above that number in the same ratio. Such closets shall be kept exclusively for the use of employes or employers in such shop or factory. (92 v. 317.)

Sec. 1031. **Inspection of school-houses and other buildings.)** The department of industrial relations shall cause to be inspected all school-houses, colleges, opera houses, halls, theaters, churches, infirmaries, children's homes, hospitals, medical institutes, asylums, and other buildings used for the assemblage or betterment of people in the state. Such inspection shall be made with special reference to precautions for the prevention of fires, the provision of fire escapes, exits, emergency exits, hallways, air space, and such other matters which relate to the health and safety of those occupying, or assembled in, such structures. (110 v. 280.)

Sec. 1038-25. **(Definitions.)** The words, terms and phrases as used in this act shall have the following meaning:

"Department" means the department of industrial relations as provided for in section 154-3 of the General Code.

"Division" means the division of factory inspection as provided for in section 154-6 of the General Code.

"Director" means the director of the department of industrial relations as provided for in section 154-3 of the General Code.

"Chief of division" means the chief of the division of factory inspection and chief inspector of workshops and factories as provided for in sections 154-6 and 980 of the General Code.

"Person" means an individual, group of individuals, partnership, corporation or association.

"Bedding" means and shall include any mattress, upholstered spring, comforter, bolster, pad, cushion, pillow, mattress protector, quilt and any other upholstered article, to be used for sleeping purposes.

"Material" means any article, substance or substances or portions thereof used in the manufacture, repair or renovation of bedding.

"New material" means any material which has not been used in the manufacture of another article or used for any other purpose. "New material" also includes by-products of machines at mills using only new raw material.

"Reprocessed material" means any material reclaimed from any new fabric or product which has never been used.

"Secondhand material" means any material which is not "new" or "reprocessed" as herein defined.

"Secondhand article of bedding" means any article of bedding

which has been put to bodily use by, on or about any person or animal and is sold or offered for sale "as is".

"Remade" or "renovated" articles of bedding not for sale shall mean any article of bedding that is remade or renovated for and is returned to the owner for his own use.

"Sale", "sell" or "sold" shall, in the corresponding tense, mean sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, deliver or consign in sale.

All words, terms and phrases used in this act shall include the plural and singular, masculine and feminine as the case demands. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-26. **(Tag or label with adhesive stamp attached to bedding; tag contents and requirements.)** Every article of bedding manufactured for sale, delivered, consigned or possessed for sale, sold or offered for sale, remade or renovated for return to the owner, in this state shall have securely attached thereto a cloth tag or label, or a tag or label made of such other material as the director, with the advice of the advisory board, may prescribe, bearing the adhesive stamp hereinafter provided for. Such tag or label shall contain in plain print in the English language:

(a) The name and address of the manufacturer, maker, distributor or vendor of the bedding article;

(b) The manufacturer's registry number required under section 1038-27 of this act;

(c) The name of the material or materials used in such article of bedding; and

(d) In type, not less than one-eighth inch high, the words "MADE OF NEW MATERIAL," if such article of bedding contains only new material; or

In type, not less than one-fourth inch high, the words "MADE OF REPROCESSED MATERIAL," if such article of bedding contains any reprocessed material as defined in this act; or

In type, not less than one-fourth inch high, the words "MADE OF SECONDHAND MATERIAL" if such article of bedding contains any secondhand material as defined in this act.

The tag or label reading "MADE OF NEW MATERIAL" shall be not less than two (2) by three (3) inches in size.

The tag or label reading "MADE OF REPROCESSED MATERIAL" shall be a white tag or label not less than three (3) by six (6) inches in size and shall have an amber border at least $\frac{3}{8}$ inch wide and the printing required on such tag or label shall be in amber ink.

The tag or label reading "MADE OF SECONDHAND MATE-

RIAL" shall be a white tag or label not less than four (4) by eight (8) inches in size and shall have a red border at least $\frac{3}{8}$ inch wide and the printing required on such tag or label shall be in red ink. Provided, however, that on pillows made of "secondhand materials" or "reprocessed materials" such tag or label shall be not less than three (3) by four (4) inches in size and the type not less than one-quarter inch high.

Any person selling, offering for sale or having in his possession for sale any "secondhand article of bedding", as defined in this act, shall, immediately upon receiving such secondhand article of bedding, remove the original tag or label and securely attach thereto a red tag or label, not less than four (4) by eight (8) inches in size, on which shall be legibly written or printed in black the words:

"SECONDHAND
PREVIOUSLY USED
CONTENTS UNKNOWN"

Such tag or label shall have affixed thereto the stamp required under the provisions of section 1038-27 of this act. Provided, however, that this provision shall not apply to the sale of antique furniture or to the sale from the home of the owner direct to the purchaser.

Nothing likely to mislead or tending to mislead or deceive shall be used on any tag or label and every tag or label shall contain all statements required by this act and shall be securely sewed to the outside covering of such bedding before the filling material has been inserted; provided, however, that on pillows, mattress protectors, quilts, bolsters and comforters such tag or label may be attached thereto after the filling material has been inserted.

When an article of bedding is manufactured or made of "reprocessed material" or "secondhand material", as herein defined, each such article shall have the tag or label required by this act securely sewed by each of its four edges to each sleeping surface of the bedding article, except that on comforters, mattress protectors, quilts, cushions and pillows, only one such tag shall be used, which shall be sewed by one of its ends to an outside seam thereof.

Material known in the cotton waste trade as "sweeps", "oily sweeps", or "oily card" shall be designated as "mill sweepings" on such tag or label.

The name "felt" shall not be used unless the material has been carded in layers by a garnett or card machine.

Any person who receives an article of bedding for remaking or renovation shall, while such article is in his possession for remaking

or renovation, keep attached thereto a tag or label showing the date of receipt and the name and address of the owner.

No person, other than a purchaser for his own use, shall remove from any article of bedding or alter or deface the tag, label or stamp required under the provisions of this act, except as herein otherwise provided. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-27. (**Administration and enforcement of act; application for registration number; certificate of registration; sale of adhesive stamps by department; purpose.**) The department of industrial relations shall administer and enforce the provisions of this act. All persons manufacturing or making bedding which is sold, consigned or delivered for sale, or offered for sale, or remaking or renovating bedding, in the state of Ohio shall make application for, in such form as the director shall prescribe, and obtain from the director a registration number which shall be printed on each tag or label required to be attached to all bedding articles manufactured, made, remade or renovated by such person for sale or use in this state. Upon receipt of any such application the director shall issue to the applicant a certificate of registration showing such person's name and address, registration number and such other pertinent information as the director deems necessary. For the purpose of providing funds for the administration and enforcement of the provisions of this act, the director shall prescribe and make available to any registered person manufacturing or making bedding for sale in this state, or any person selling or offering for sale "secondhand articles of bedding", specially designed adhesive stamps, one of which shall be securely affixed to one of the tags or labels required to be sewed or attached to each article of bedding under the provisions of section 1038-26 of this act. The stamps herein provided for shall be sold by the department in amounts of not less than one thousand, or multiples thereof, at the rate of ten dollars per thousand stamps. The funds derived from the sale of said stamps and all fees, fines and penalties collected hereunder shall be paid into the state treasury to the credit of a rotary fund to be used and appropriated for the administration and enforcement of this act. Whenever the funds accumulated in said fund in any biennial period, exceed the amount required for the enforcement of the provisions of this act, such excess funds shall be transferred to the general revenue fund. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-28. (**Appointment of inspectors; salaries; qualifications; duties and powers; findings and recommendations; written reports.**) For the purpose of enforcing and carrying out the provisions of this act, the director is hereby authorized and empowered to

appoint two (2) inspectors, and to fix their salaries and compensation, in accordance with the salary schedule for inspectors provided for in the general appropriation act. The director, with the advice of the bedding advisory board, shall determine the qualifications of the inspectors so appointed. The director, with the advice and consent of the bedding advisory board, may appoint such additional inspectors, not to exceed two, as the work under the provisions of this act requires.

It shall be the duty of the inspectors appointed under the provisions of this act to inspect periodically every establishment where bedding is manufactured, made, remade, renovated, sterilized, sold or offered for sale, or where previously used material is processed for use in the manufacture of bedding regulated under this act.

When an inspector has cause to believe that any bedding is not tagged or labeled as required by this act, he shall have authority to open a seam or seams of such bedding to examine the material used and to take a reasonable amount of such material for testing and analysis and, if necessary, to examine any and all purchase records, in order to determine the kind of material used in such bedding. Such inspector shall have power to seize and hold for evidence any article of bedding or material manufactured, made, possessed, sold or offered for sale contrary to the provisions of this act; and upon so doing shall immediately report such fact to the director of industrial relations who shall forthwith conduct a hearing or make a ruling in the matter, and upon finding that such article of bedding or material is not in violation of the provisions of this act shall order the same returned to the owner thereof.

Any inspector who, after examination and inspection of any article of bedding, material used in bedding, or of any establishment where bedding is manufactured, made, remade, renovated, sterilized, sold or offered for sale, has found that there has been a violation of the provisions of this act shall immediately make a full and complete report to the director of his findings and recommendations. The director, after consideration of such report, may order a further examination and inspection, and in either event when he has cause to believe that such a person has violated any of the provisions of this act, shall cause prosecution of such person therefor.

Each inspector shall make a written report to the department of each and every examination and inspection and of his findings and recommendations. Such inspectors shall perform such other duties relating to the inspection and examination of such establishments as the director may prescribe. (120 v. H. 42. Eff. August 31, 1943).

Sec. 1038-29. (**Designation of laboratories for tests and analyses; charges.**) The director, with the advice of the bedding advisory board hereinafter created, shall designate established laboratories in various sections of the state that are qualified to make tests and analyses of articles of material used in the manufacture of bedding. When any inspector finds it necessary to have a test or analysis of material used in the manufacture of bedding, he shall have such test or analysis made at the most conveniently located approved laboratory. The director, with the advice of the bedding advisory board hereinafter created, shall determine the fees and charges to be paid for making any such test or analysis.

If the director determines that it is advisable to establish and maintain facilities within the department to make such tests and analyses of materials used in the manufacture of bedding, he is hereby authorized and empowered to do so. (120 v. H. 42. Eff. August 31, 1943).

Sec. 1038-30. (**Registration number required; suspension, revocation, etc., for violation; special inspection fee for reinstatement.**) No person, except for his own use, shall manufacture, make, remake, renovate or deliver for sale any article of bedding until he has applied for and received from the director a registration number as provided for in section 1038-27 of this act. The registration number so issued shall be valid until revoked or voided by the director for violation of this act.

The director may suspend, revoke and void the registration number of any person convicted of violating the provisions of this act. Such person shall not thereafter engage in the manufacture, making, remaking, renovating or delivering for sale in this state of articles of bedding until he has paid a special inspection fee of one hundred dollars and the director has determined that such person is complying with the provisions of this act; whereupon he shall reinstate or reissue the registration number of such person. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-31. (**"Bedding advisory board" created; membership; qualifications; term; expenses; powers of board; variation of rules or regulations.**) There is hereby created in the department of industrial relations a "bedding advisory board" which shall consist of eight members. The director of industrial relations shall be a member of said board and its chairman. The other seven members shall be appointed by the governor by and with the advice and consent of the senate. Five of such members so appointed shall be persons who on account of their vocations, employment or affiliations represent

the manufacturing interests of the various products or branches of the bedding industry. The other two members shall be persons qualified to represent the retail business and the public. The term of office of each member shall be for a period of seven years; except that the terms of office of the members first appointed after the effective date of this act shall expire, as designated by the governor at the time of appointment, one at the end of one year, one at the end of two years, and one at the end of each succeeding year after the effective date of this act. The governor is hereby empowered and authorized to fill vacancies occurring in the membership of the board. Any member so appointed shall be appointed to serve during the unexpired term for which his predecessor was appointed. Each member of the "bedding advisory board" shall serve without salary, but shall receive actual and necessary travel and other expenses while engaged upon the work of the board. Such board shall meet quarterly and at other necessary times at the call of the chairman. The governor may remove any member of the board when he ceases to represent the interest in whose behalf he was appointed. The board shall have full powers:

(a) To consider all matters submitted to it by the director.

(b) To propose and promulgate such rules and regulations pertaining to the definition, name and description of materials necessary to carry out and enforce the provisions of this act.

(c) To make recommendations to the civil service commission relative to the qualifications and duties of the inspectors provided for in this act.

(d) To exercise such other powers and duties as are necessary to carry out the purpose and intent of this act.

If there shall be practical difficulty or undue hardship in carrying out the provisions of this act or of any rule or regulation adopted by the board, the director shall have power to make a variation from the provisions of such rule or regulation if the spirit of such rule or regulation is being observed. Whenever the director makes any such variation of a rule or regulation, he shall forthwith notify the members of the advisory board of such variation and set a date for the advisory board to meet and consider the reasons and causes necessary for making such variation in the rules or regulations.

Such variation shall be effective for a period not to exceed thirty days during which time the board shall meet and approve, amend, modify or rescind the rule or regulation governing the condition or conditions requiring the variation of such rule or regulation. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-32. **(Material prohibited for use.)** No person shall use, in the manufacture or making of any article of bedding for sale or offered for sale in this state, any material that has been used by a person having an infectious or contagious disease or any material which has been a part of a bedding article so used.

No person shall sell or offer for sale any article of bedding that has been used by a person having an infectious or contagious disease. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-33. **(Penalty for violations; separate offense.)** Whoever manufactures or makes for sale, offers for sale, sells, delivers or has in his possession, for such purpose or purposes, an article of bedding which is not tagged or labeled as provided for in this act, or which does not have the stamp provided for by this act affixed to said tag or label, or which is falsely tagged or labeled, or whoever uses, in the making, manufacture, remaking or renovating of any article of bedding, material which has been used or formed a part of any article of bedding, that has been used by or about any person having an infectious or contagious disease, or whoever dealing in bedding articles has such an article in his possession for the purpose of sale or offers it for sale without the tag or label required by this act, or removes, conceals, alters or defaces the tag or label thereon except as provided in this act, or whoever counterfeits the stamps provided for in section 1038-27 of this act, shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or be imprisoned in the county jail for not more than six (6) months, or both such fine and imprisonment. Each stamp counterfeited and each article of bedding manufactured, made, remade, renovated, delivered for sale, offered for sale or sold in violation of the provisions of this act shall be a separate offense. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-34. **(Prosecutions.)** It shall be the duty of any city prosecutor, city attorney or the county prosecuting attorney, in the city or county where the alleged violation occurred, upon affidavit filed by the department, or upon affidavit and complaint of any person submitting reasonable proof of violation of any of the provisions of this act, to prosecute the person against whom such affidavit or complaint has been filed. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-35. **(Provisions of "Administrative Procedure Act" applicable.)** All provisions of this act relating to the issuing, suspension, revocation and voiding of registration number, the holding and conducting of hearings and the making and issuing of rules and regulations shall be governed and be in accordance with the provisions of

Substitute Senate Bill No. 36, enacted by the 95th General Assembly, known as the "Administrative Procedure Act". (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-36. (**Provisions applicable, when.**) The provisions of this act shall apply to all bedding manufactured after the effective date of this act or which is in the process of manufacture at the time this act goes into effect. Articles of bedding in the possession of or having been delivered to a retail merchant for sale prior to the effective date of this act shall be tagged or labeled in accordance with the provisions of existing sections 12798-1, 12798-2, 12798-3 and 12798-4, and the repeal of said sections of the General Code herein made shall not affect pending proceedings and causes of action under said sections. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-37. (**Repeal.**) That existing sections 12798-1, 12798-2, 12798-3 and 12798-4 of the General Code be, and the same are hereby repealed. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1038-38. (**Constitutionality.**) If any provision of this act is declared unconstitutional, the remaining provisions shall remain in full force and effect. All acts or parts of acts heretofore enacted which are inconsistent with any provision of this act, are hereby repealed. (120 v. H. 42. Eff. August 31, 1943.)

Sec. 1081-21. (**Unlawful practices in barber shops.**) It shall be unlawful:

(a) For any barber or apprentice to knowingly continue the practice of barbering, or for any student knowingly to continue as a student in any school or college of barbering, while such person has an infectious, contagious or communicable disease;

(b) To own, manage, operate or control any barber shop unless continuously hot and cold running water be provided for therein, when same is available;

(c) To own, manage, operate or control any barber school or college or part or portion thereof whether connected therewith or in a separate building wherein the practice of barbering, as hereinbefore defined, is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work therein is done by students exclusively;

(d) To own, manage, control or operate any barber shop, as hereinbefore defined, unless the same display a recognizable sign indicating that it is a barber shop, which said sign shall be clearly visible at the main entrance to said shop;

(e) To use a towel that is used on one patron, on another patron unless the same has been relaundersed;

(f) Not to provide the head rest on each chair with a relaundersed towel or a sheet of clean paper for each patron;

(g) Not to place around the patron's neck a strip of cotton, towel or neck band so that the hair cloth does not come in contact with the neck or skin of the patron's body;

(h) To possess in the practice of barbering as hereinbefore defined, any styptic pencils, finger bowls, sponges, lump alum, or powder puff in a barber shop is prima facie evidence that the same is being used therein in the practice of barbering;

(i) To use on any patron any razors, scissors, tweezers, combs, rubber discs or part of vibrators, used on another person, unless the same be kept in closed compartment and immersed in boiling water or in a solution of two per cent. carbolic acid, or its equivalent, before each such use.

The state board of barber examiners shall have power to make other rules and regulations and prescribe other sanitary requirements in addition to the foregoing in aid or furtherance of the provisions of this act. (115 v. 319.)

Sec. 1082-20. **(Refusal to issue or renew license for beauty shop, when; revocation or suspension; notice; hearing.)** The board shall not issue, or having issued, shall not renew, or may revoke or suspend at any time any license as required by the provisions of section 1082-2 hereof, in any one of the following cases:

(a) Failure of a person, firm or corporation, operating a beauty parlor or school of cosmetology to comply with the requirements of this act.

(b) Failure to comply with the sanitary rules, adopted by the board or by the state department of health for the regulations of beauty parlors, schools of cosmetology, or the practice of cosmetology.

(c) Continued practice by a person knowingly having an infectious or contagious disease.

(d) Habitual drunkenness or habitual addiction to the use of any habit-forming drug.

(e) Willful false and fraudulent or deceptive advertising.

Provided, however, that the board shall not refuse to issue or renew any license as required by the provisions of section 1082-2 hereof, or revoke, or suspend any such license already issued, except in accordance with the provisions of the administrative procedure act. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 1089-12. **(Sterilizing containers and apparatus.)** All bottles except siphons used in the manufacture of soft drinks, before being filled, shall be sterilized by soaking in a hot caustic solution of not less temperature than one hundred and twenty degrees Fahrenheit, that shall contain not less than three per cent. caustic or alkali expressed in terms of sodium hydrate for a period of not less than five minutes, then thoroughly rinsed in clean water until free from alkali or sodium hydrate. Each and every bottle so sterilized, when filled with a soft drink, must be distinctly labeled with the true name thereof in the manner above provided. (108 v. Pt. 1, 329.)

Sec. 1089-13. **(Ventilation of building.)** All buildings, stores, factories or other places where such soft drinks are manufactured or bottled shall be well lighted and ventilated and shall be kept at all times in a clean and sanitary condition. All machines, bottles, jars or other utensils used in the manufacture of soft drinks shall be kept at all times in a clean and sanitary place and in a sanitary condition. (108 v. Pt. 1, 329.)

Sec. 1090-5. **(Location must be in sanitary place.)** No commercial cannery shall be located in an insanitary place or one which cannot be made sanitary or maintained in a sanitary condition, or where it is impossible to receive the raw material in a cleanly manner without danger of damage or contamination; or where sewage, garbage and other refuse cannot be quickly and effectively removed. (108 v. Pt. 1, 331.)

Sec. 1090-6. **(Removal of garbage and waste daily.)** All garbage and waste material shall be removed daily to a distance of not less than one hundred feet from any building used in preparing or handling fruits and vegetables intended for canning, provided, however, that this section does not apply to the storage upon the premises of a cannery of by-products in silos or other structures or containers or in sacks, if such storage is made in an approved manner and is not a direct menace to proper sanitation. (108 v. Pt. 1, 331.)

Sec. 1090-7. **(Keeping live stock near cannery.)** Horses, cattle or other livestock shall not be kept or fed within seventy-five feet of any building, shed, room or place while used for the preparation of canned fruits or vegetables or for the storage of raw materials intended for canning. (108 v. Pt. 1, 331.)

Sec. 1090-8. **(Ventilation and light; floor construction.)** Any building used in the preparation or handling of fruits or vegetables intended for canning shall be suitably ventilated and lighted either by artificial or natural means. All floors in such buildings shall be

so constructed as to permit proper washing or cleaning, and sufficient drains, gutters or sewers provided to insure the proper removal of water and liquid waste. First floors shall be waterproofed in such manner as will prevent the ground below from becoming wet, sloppy or insanitary. (108 v. Pt. 1, 331.)

Sec. 1090-9. **(Provisions as to toilets.)** Separate toilet rooms for each sex shall be provided upon the premises of all canneries, said toilets to be completely separated from work rooms by tight partitions and properly lighted and having an opening to the outside air. When outdoor toilets without modern plumbing and sewerage systems are used, such toilets shall be located at least 75 feet from any building, room or place used in the preparation or canning of fruits and vegetables. All doors, windows and other openings in toilets, whether same be located within building or out of doors shall be screened against flies. (108 v. Pt. 1, 332.)

Sec. 1090-10. **(Wash rooms, lavatories, etc.)** Wash rooms, wash stations or lavatories for employes shall be provided in or adjacent to rooms or places used for the preparation or canning of fruits and vegetables, and such rooms or stations must be properly lighted and ventilated and provided with facilities necessary for keeping them in a sanitary condition. (108 v. Pt. 1, 332.)

Sec. 1090-11. **(Smoking or spitting.)** It shall be unlawful for any person to smoke or to spit on floors or walls in any room or building where fruit or vegetables intended for canning are being prepared or handled. (108 v. Pt. 1, 332.)

Sec. 1090-12. **(Employment of diseased persons prohibited.)** Persons affected with tuberculosis or other communicable or infectious disease shall not be employed in or about any commercial cannery. (108 v. Pt. 1, 332.)

Sec. 1090-13. **(Clean garments.)** All employes who assist in preparing or handling fruit and vegetables intended for canning shall wear clean garments of washable fabrics and all female employes engaged in the same work shall wear clean washable caps covering the hair. (108 v. Pt. 1, 332.)

Sec. 1090-14. **(Utensils and equipment must be kept in sanitary condition.)** All machinery, belts, chains, conveyors, utensils, and other equipment used in the preparation or handling of food or materials intended for food in commercial canneries shall be thoroughly cleaned daily and kept in a clean and sanitary condition. All cans and other containers intended for the hermetic sealing of such food

products shall be washed, steamed or sterilized before filling. (108 v. Pt. 1, 332.)

Sec. 1090-15. **(Fruits, etc., must be washed and cleaned.)** All fruits and vegetables in preparation for canning shall be thoroughly washed or cleaned before being scalded, blanched, cooked or filled into containers. (108 v. Pt. 1, 332.)

Sec. 1090-16. **(Syrups, brine, etc.)** Only potable water shall be used for making syrups or brine for canned fruits or vegetables or for washing equipment coming in contact with such material intended for canning. (108 v. Pt. 1, 332.)

Sec. 1090-22. **(Bakery defined.)** The word bakery is defined, for the purpose of this act, as a building or part of a building wherein is carried on the production, preparation, packing, storing, display or sale of bread, cake, pies or other bakery products, including any separate room or rooms used for the convenience or accommodation of the workers; Provided, that sections three, four, six, seven, eight and twenty (*) shall not apply to retail stores where bakery products are sold but not produced. (109 v. 604.)

Sec. 1090-23. **(Standards prescribed by secretary of agriculture.)** The standards and requirements hereinafter prescribed shall conform to such rules as may be adopted by the secretary of agriculture. (109 v. 604.)

Sec. 1090-24. **(Specifications as to construction of bakeries.)** Every bakery shall be constructed, drained, lighted, ventilated and maintained in a clean and sanitary condition, and when and where necessary screened against flies, shall have plumbing and drainage facilities together with suitable wash basins, wash sinks and toilets or water closets, which shall be kept in a clean and sanitary condition. The said toilets or water closets shall be in rooms having no direct connection with any room in which bakery products or ingredients are prepared, stored, handled, or displayed. (109 v. 604.)

Sec. 1090-25. **(Room for changing apparel.)** In connection with every bakery a suitable room or rooms shall be provided for the changing and hanging of the wearing apparel of the workers or employes, which shall be separate and apart from the work, storage and sales rooms, and shall be kept in a clean and sanitary condition. (109 v. 605.)

Sec. 1090-26. **(Sitting on tables, shelves, etc., prohibited.)** No

(*) Sections 3, 4, 6, 7, 8, and 20 are G. C. sections 1090-24, 1090-25, 1090-27, 1090-28, 1090-29, 1090-41.

person shall sit, lie or lounge or be permitted to sit, lie or lounge upon any of the tables, shelves, boxes or other equipment or accessories used in connection with the production, preparation, packing, storing, display or sale of bakery products. No animals or fowls shall be kept in or permitted to enter any bakery. (109 v. 605.)

Sec. 1090-27. **(Washing before handling ingredients.)** Before beginning work of preparing, mixing or handling any ingredients used in the production of bakery products, every person engaged in such work shall wash the hands and arms, and after using toilets or water closets, every person therein engaged shall wash the hands and arms thoroughly and then rinse in clean water; and for this purpose the owner or operator of the bakery shall provide sufficient facilities. (109 v. 605.)

Sec. 1090-28. **(Employment of person having contagious or infectious disease prohibited.)** No owner or operator of a bakery shall require or permit any person affected with any contagious, infectious or other disease or physical ailment which may render such employment detrimental to the public health, or any person who refuses to submit to the examination required in section eight (*) to work therein. (109 v. 605.)

Sec. 1090-29. **(Examination of employee may be required.)** The state department of health or commissioner of health or the chief health officer in the several cities and towns, or the secretary of agriculture may require any person intending to work or working in a bakery to submit to a thorough examination for the purpose of ascertaining whether or not he is afflicted with any contagious, infectious or other disease or physical ailment. All such examinations shall be made by the district health commissioner. (109 v. 605.)

Sec. 1090-30. **(Building, receptacles, etc., must be kept in sanitary condition.)** The floors, walls and ceilings of each bakery, the equipment used in the handling or preparation of bakery products or their ingredients, and the boxes, baskets and the interior of the vehicles and other receptacles in which bakery products are transported shall be kept by the owner or operator of the bakery or the carrier or distributor of said product in a clean and sanitary condition and at all times free from dirt, dust, flies, insects and other contaminating matter. Shipping baskets and other containers for transporting bakery products shall be kept clean and shall not be used for any other than bakery products by any person or concern. (109 v. 605.)

Sec. 1090-31. **(Show cases must be covered and ventilated.)** All

(*) Section 8 is G. C. section 1090-29.

show cases, shelves and other places where unwrapped bakery products are sold or exposed for sale shall be kept by the dealer well covered, properly ventilated, adequately protected from dust, flies and other contaminating matter, and shall at all times be maintained in a sweet, clean and wholesome condition. (109 v. 605.)

Sec. 1090-32. (Products kept beyond reach of contamination.)

Boxes or other permanent receptacles or containers for the storing, receiving or handling of bakery products shall be so placed and constructed as to be beyond the reach of contamination from streets, alleys and sidewalks, or from animals, and shall be kept by the dealer clean and sanitary. (109 v. 606.)

Sec. 1090-33. (Storing and handling must be sanitary.) All bakery products and their ingredients shall be stored, handled, transported and kept in such manner as to protect them from spoilage, vermin, contamination, disease and unwholesomeness. No ingredient, or material, including water, shall be used therein which is spoiled or contaminated or which may render the product unwholesome, unfit for food, or injurious to health. (109 v. 606.)

Sec. 1090-34. (Ingredients used must be labeled, etc.) No ingredient shall be used in any bakery product likely to deceive the consumer or which lessens its nutritive value without being plainly labeled, branded or tagged, or having a sign making plain to the purchaser or consumer the actual ingredients; provided, however, that in case of unwrapped bread to be sold by the loaf, such labeling, branding or tagging shall be placed upon the same label, as hereinafter provided, which shows the name of the manufacturer, and the net weight of the loaf. Said ingredients and the sale or offering for sale of said products shall otherwise comply with the existing provisions of law regulating the sale of foods and not inconsistent herewith. (109 v. 606.)

Sec. 1112. (Duty of owner of diseased animal; examination and order.) If a person owns or has in charge an animal which he knows or has reason to believe is affected with a dangerously contagious or infectious disease, he shall give notice of such fact immediately to the secretary of agriculture or to the sheriff or a constable, of the proper county. Upon receipt of such notice such secretary shall at once cause a proper examination to be made by a competent veterinarian of the diseased or infected animals, and, if the disease affecting such animals is found to be dangerously contagious or infectious the secretary shall order the diseased animals or those which have been exposed to the contagion to be strictly quarantined, in charge of such

person as the secretary shall designate, and order any premises or farms where diseased animals are found or have been recently kept to be put in quarantine. No domestic animals shall be brought to or removed from the premises so quarantined. (107 v. 460.)

Sec. 1113. (**Quarantine expenses, how paid.**) All proper and necessary expenses incurred by the board or the secretary of agriculture in the quarantine of animals, under the provisions herein, shall be paid by the state. But such proper and necessary expenses shall not be construed to include the maintenance, feeding and quarantining of such animals while in quarantine. (107 v. 460.)

Sec. 1114. (**Disposition of animals having infectious malady.**) If, in order to prevent the spread of any dangerously contagious or infectious disease among the live stock of the state the secretary of agriculture deems it necessary to destroy animals affected with or which have been exposed to dangerously contagious or infectious disease, he shall determine what animals shall be killed and cause them to be appraised by three disinterested citizens, one to be selected by the owner of the animals to be destroyed, one to be selected by the secretary of agriculture and those two so selected shall select the third. The three so selected shall meet and appraise said animals and shall make an award which award shall be final. After being so appraised, the secretary shall cause such animals to be killed and their carcasses disposed of in such a manner as he directs, but no animal shall be killed under the provisions of this section until it has been examined by a competent veterinarian in the employ of the board and the disease with which it is affected or to which it has been exposed adjudged a dangerous and contagious malady. (107 v. 460.)

Sec. 1155-1. (**"Cold storage" defined.**) The term "cold storage," as used in this act, shall mean the storage of food, at or below a temperature of forty degrees Fahrenheit, in a cold storage warehouse. (107 v. 594.)

Sec. 1155-2. (**"Cold storage warehouse" defined.**) The term "cold storage warehouse," as used in this act, shall mean a place artificially cooled by the employment of refrigerating machinery or ice or other means, in which articles of food are stored, for thirty days or more, at a temperature of forty degrees Fahrenheit, or lower. (107 v. 594.)

Sec. 1155-3. (**"Food" defined.**) The term "food" as used in this act, shall mean the fresh flesh of animals, and fresh products there-

from, the fresh flesh of fowls, fish, eggs and butter, which have been stored in a cold storage warehouse. (107 v. 594.)

Sec. 1155-4. (**"Container" defined.**) The word "container" as used in this act, shall be taken to mean any bag, barrel, basket, bottle, box, caddy can, canister, carton, crate, firkin, hogshead, jar, jug, keg, stopper, vessel, wrapper, frozen bulk, or any similar or analogous utensil, receptacle, band or wrapper in which food may be kept, stored, sold or offered for sale. (107 v. 594.)

Sec. 1155-5. (**"Marked" defined.**) The word "marked" as used in this act, shall be taken to mean written, printed, stamped or painted, or any other means whereby words or figures may be indicated in or on a container, or any cover attached thereto. (107 v. 594.)

Sec. 1155-6. (**"Wholesome" defined.**) The term "wholesome" as used in this act, shall mean fit for human food. (107 v. 594.)

Sec. 1155-7. (**License to operate cold storage warehouse; examination.**) No person, firm, or corporation shall operate a cold storage warehouse without a license issued by the director of agriculture of Ohio. Such license shall be issued only on written application stating the location of such warehouse. Upon receipt of the application the director of agriculture shall cause an examination to be made into the sanitary conditions of such warehouse. If it be found to be in a sanitary condition and properly equipped for the purpose of cold storage, the director of agriculture shall cause a license to be issued authorizing the applicant to operate a cold storage warehouse. No license shall be issued until the applicant therefor shall have paid to the director of agriculture the sum of fifty dollars. Such license shall be issued and shall run for one year, and shall be thereafter renewed annually upon the same conditions and payment. A license shall be required for each separate warehouse building within the state. (110 v. 402.)

Sec. 1155-8. (**When warehouse shall be closed.**) Whenever any warehouse licensed under the provisions of this act, or any portion of such warehouse, shall be deemed by the secretary of agriculture to be in an unsanitary condition, it shall be the duty of the secretary to cause such warehouse, or portion thereof, to be closed. (107 v. 594.)

Sec. 1155-9. (**Record of receipts and withdrawals of food required; quarterly statement of kinds and quantities of food products held.**) It shall be the duty of every person, firm, or corporation that shall be licensed to operate a cold storage warehouse to keep an

accurate record of the receipts and withdrawals of food therefrom. The agents of the secretary of agriculture shall have free access to such records at all times. It shall be the duty of each person, firm, or corporation licensed to operate a cold storage warehouse to file in the office of the secretary of agriculture on or before the sixth day of January, April, July and October, of each year, a report setting forth in itemized form the kind and quantities of food products held in cold storage in such warehouse. The report shall be made on printed forms prepared and supplied by the secretary of agriculture. The secretary of agriculture may cause such other reports to be filed and at such times as it may deem advisable. (107 v. 594.)

Sec. 1155-10. **(Unlawful to place unwholesome food in cold storage.)** It shall be unlawful for any person, firm or corporation to place in any cold storage warehouse, to keep therein, or to sell, offer or expose for sale, any diseased, tainted, or otherwise unwholesome food, or to place in cold storage any slaughtered animals or parts thereof unless the entrails and other offensive parts have first been properly removed. (107 v. 594.)

Sec. 1155-11. **(Date of deposit and removal stamped on cold storage food; exception.)** All food shall at the time it is deposited in any cold storage warehouse bear the date of such deposit plainly stamped thereon. Such food shall also bear a stamp indicating the date of removal. The marking of food as provided in this section shall be under such further regulations as may be prescribed by the director of agriculture. The provisions of this section and of sections 1155-9 and 1155-10 of the General Code shall not be construed to apply to any food placed in a locker rented or leased by a consumer, which food is for the use of such consumer and not for sale. (119 v. 234.)

Sec. 1155-12. **(Cold storage foods for sale must be plainly marked; rules and regulations for sale of "frozen", "frosted", etc., foods.)** It shall be unlawful for any person, firm or corporation, or any agent thereof to sell, or offer or expose for sale, or have in possession with intent to sell at wholesale, any cold storage food, unless there shall be placed on each container thereof, in a conspicuous place in full view of the purchaser, a placard with the word "wholesome cold storage food" printed thereon, in plain uncondensed gothic letters not less than one-half inch in length. In addition, all such food shall be marked with the date when it is withdrawn from such cold storage warehouse. There shall also be displayed upon every open container containing such food in the same manner, in a conspicuous position, in full view of the purchaser, a placard with the

words "wholesome cold storage food" printed thereon in the same form as above described in this section, when such food is sold from such container or otherwise at retail.

The director of agriculture may devise such rules and regulations as may be proper for the sale of fish, meats or poultry, when labeled "quick-frozen", "frozen" or "frosted", in lieu of the label "wholesome cold storage food". (119 v. 234.)

Sec. 1155-13. (**Length of time certain foods may be kept in cold storage.**) No person, firm or corporation shall sell, or offer, or expose for sale, any of the following foods which have been held for a longer period of time than herein specified in a cold storage warehouse: Whole carcasses of beef, or any parts thereof, twelve months; whole carcasses of pork, or any parts thereof, twelve months; whole carcasses of sheep, or any parts thereof, twelve months; whole carcasses of lamb, or any parts thereof, twelve months; whole carcasses of veal, or any parts thereof, twelve months; dressed fowl, twelve months; eggs, twelve months; butter, twelve months; and fresh fish, twelve months. (110 v. 402.)

Sec. 1155-14. (**Food withdrawn may not be returned to storage.**) After food has been withdrawn from any cold storage warehouse for the purpose of placing it on the market for sale, it shall be unlawful for any person, firm, or corporation to return such food, or any portion thereof, to such warehouse, or any other similar warehouse. Food may be transferred from one cold storage warehouse to another; provided, that the total length of time such food shall remain in cold storage, for the purpose of sale, shall not exceed the time specified in section thirteen* of this act. (107 v. 594.)

*Section 13 is Section 1155-13.

Sec. 1155-15. (**Sale of food kept in storage outside of state.**) No food shall be sold, or offered or exposed for sale, in this state, which shall have been placed or stored in any cold storage warehouse outside of this state, unless it first shall have been marked as provided for in section twelve* of this act; provided, however, that no such food shall be sold, or offered or exposed for sale, in this state, if the total length of time that such food has remained in cold storage shall exceed the time specified in section 1155-13 of this act. (107 v. 594.)

*Section 12 is Section 1155-12.

Sec. 1155-16. (**Transactions to which act does not apply.**) Nothing in this act shall be construed to prohibit the shipping, consigning

or transporting of fresh food in properly refrigerated cars within this state to points of destination; nor to prohibit such food when received from being held in a cooling room for a period of forty-eight hours; nor to prohibit the keeping of fresh food in ice boxes or refrigerators in retail stores while the same is offered or exposed for sale. (107 v. 594.)

Sec. 1155-17. **(Enforcement of act.)** It shall be the duty of the secretary of agriculture to enforce all the provisions of this act and to make all rules and regulations, not otherwise herein provided, necessary for the enforcement of the same. (107 v. 594.)

Sec. 1155-18. **(Application of fees and fines.)** That all license fees, fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the state treasury to the credit of the general revenue fund. (107 v. 594.)

Sec. 1155-19. **(Penalty.)** Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not more than five hundred dollars, and for the second and each subsequent offense not more than one thousand dollars, and in addition thereto imprisoned in the jail of the proper county not less than thirty nor more than ninety days, or both. (107 v. 594.)

Sec. 1155-20. **(Definitions.)** When used in this act, unless the context otherwise requires

"Food" means all articles used for food, drink, confectionery or condiment by man, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

"Locker" means the individual section or compartment of a capacity of not to exceed twenty-five cubic feet, in the locker room of a locker plant or branch locker plant, which is rented by a person, firm or corporation for the purpose of storing food for their own use.

"Locker plant" means a location or establishment in which space in individual lockers is rented for the cold storage of food.

"Branch locker plant" means any location or establishment in which space in individual lockers is rented for the storage of food at or below a temperature of forty degrees above zero Fahrenheit after preparation for storage at a central plant.

"Sharp frozen" means the freezing of food in a room in which the temperature is zero minus ten degrees Fahrenheit or lower.

"Operator" means any person, firm or corporation operating or maintaining a locker plant or branch locker plant.

"Department" means the department of agriculture. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1153-21. **(License required; application.)** On and after the effective date of this act, it shall be unlawful for any person, firm or corporation to operate a locker plant or branch locker plant in this state unless such person has secured a license therefor from the department as hereinafter provided and has otherwise complied with the provisions of this act. A separate license shall be secured for each locker plant or branch locker plant. The application for such license shall be in writing on forms prescribed and furnished by the department.

Such application shall be accompanied by the required license fee. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-22. **(License fee; status of present licensees; form and term of licenses; renewals.)** The license fee for a locker plant or branch locker plant shall be fifteen dollars for a plant having two hundred individual lockers or less and an additional two dollars for each one hundred lockers or fraction thereof in excess of two hundred, except that in no case shall such fee exceed twenty-five dollars. Any applicant for a license under this act who now holds a license under section 1155-7 of the General Code shall be permitted to operate for the balance of the year for which his license is paid. Any operator operating in connection with a cold storage warehouse, holding a license under section 1155-7 of the General Code shall not be required to secure an additional license under this act so long as he continues to be licensed as a cold storage warehouse under said section 1155-7 of the General Code, but shall comply with the provisions of this act and all rules and regulations promulgated thereunder. The license issued hereunder shall be in such form as the department shall prescribe. Licenses shall be for a term of one year and shall be renewed annually upon like application and the payment of a like fee as in the case of the original license. The original license or a certified copy thereof shall be conspicuously displayed by the operator in the locker plant. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-23. **(License issued, when; qualifications of inspectors; inspection of plants.)** Upon receipt of the application for a license accompanied by the required fee, the department shall inspect the plant to be licensed and if it finds that such plant, its equipment, facilities and the surrounding premises and its operations comply with the provisions of law and the rules and regulations of the department applicable thereto, the department shall issue such license. The persons designated by the department to make such inspection

shall be persons having practical knowledge of the operation of cold storage plants and the storage of food therein, and shall be thoroughly familiar with the provisions of law applicable to locker plants and branch locker plants and the applicable rules and regulations of the department. The department shall inspect all locker plants and branch locker plants licensed under this act at least once each six months, and may make such additional inspections as the department deems necessary. The department and its representatives shall have access to locker plants and branch locker plants at all reasonable times for the purpose of making such inspections. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-24. **(Refrigeration system; temperatures.)** The refrigeration system for a locker plant or branch locker plant shall be equipped with accurate and reliable controls for the automatic maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide under extreme conditions of outside temperatures and under peak load conditions in the normal operations of the plant, the following temperatures in the several rooms, respectively:

(a) Chill room temperatures within two degrees of Fahrenheit plus or minus of thirty-eight degrees above zero Fahrenheit with a tolerance of ten degrees Fahrenheit for a reasonable time after fresh food is put in for chilling.

(b) Sharp freeze room—sharp freezing compartments—temperatures of ten degrees below zero Fahrenheit or lower or temperatures of zero degrees Fahrenheit or lower when forced air circulation is employed with a tolerance of ten degrees Fahrenheit for either type of installation for a reasonable time after fresh food is put in for freezing.

(c) Locker room—temperatures of not to exceed plus five degrees Fahrenheit with a tolerance of five degrees Fahrenheit higher.

(d) All locker plants shall operate below a temperature of forty degrees above zero Fahrenheit and have a chill room, and sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging meats and meat products, or fruits and vegetables.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to defrosting. For experimental purposes, the department, upon application in writing, may authorize for a limited and prescribed period, the installation and use of refrigeration systems or methods which in the opinion of the department will result

in improvement over present methods. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-25. **(Food for other than human consumption inspected and approved.)** Food for other than human consumption shall not be stored in the chill room, aging room, sharp freeze room or locker room of any locker plant or branch locker plant, except such items of animal or vegetable matter as may have been inspected and approved by representatives of the bureau of animal industry of the United States department of agriculture or representatives of the department of agriculture of this state. Foods not intended for human consumption shall bear a label or tag bearing plainly and conspicuously in letters not less than three-eighths of an inch in height the words "not for human consumption." (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-26. **(Records.)** Every operator of a locker plant or branch locker plant shall keep an accurate and correct record setting forth:

(a) The name and address of each patron renting a locker or storing food.

(b) The rental period for each locker rented, the charge therefor and the payments thereon.

(c) All persons renting lockers who are directly or indirectly engaged in the selling of food stuffs for human consumption must declare this fact to the management and an entry shall be made on the records of the operator.

(d) Articles of food which are intended for trade channels must be handled as provided under sections 1155-9, 1155-11 and 1155-12 of the General Code, and the rules and regulations promulgated thereunder. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-27. **(Rules and regulations.)** The department of agriculture may make, and enforce reasonable rules and regulations necessary to carry out the provisions of this act. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1155-28. **(Revocation of licenses.)** The department, after notice and hearing, may revoke the license issued for any locker plant or branch locker plant, for failure to comply with the provisions of this act or any lawful rule or regulation of the department hereunder. Before revoking any license the department shall send the licensee notice of such hearing by registered mail not less than ten days before the hearing and shall afford such licensee an opportunity to be heard with respect thereto at a time and place specified in such notice.

In the event any license is revoked, the department may permit the continued operation of the plant involved upon such conditions or under such supervision as the department may prescribe for a period of not to exceed six months, in order to enable patrons to remove any food stored therein but during such period no additional food shall be received or stored in such plant. (120 v. H. 206. Eff. August 14, 1943.)

Sec. 1177-12. **(Adoption of standards and enforcement of laws; inspections and prosecutions.)** The secretary of agriculture shall establish standards of quality, purity and strength of foods, when such standards are not otherwise established by any law of this state. Such standard shall conform to the standards for foods adopted by the United States department of agriculture. The secretary of agriculture shall make such uniform rules and regulations as may be necessary for the enforcement of the food, drug, dairy and sanitary laws of this state. Such rules and regulations shall, where applicable, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of the act of congress, approved June 30, 1906, and amended March 3, 1913, and known as "the food and drug act." The secretary of agriculture shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state and prosecute or cause to be prosecuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law, and shall enforce all laws against fraud, adulteration or impurities in foods, drinks, or drugs, and unlawful labeling within the state. (107 v. 460.)

Sec. 1177-13. **(Right of entry to make examinations.)** The secretary of agriculture in the performance of his duties may enter a creamery, factory, store salesroom, drug store, laboratory or other place where he believes or has reason to believe drugs, food, drink, or linseed oil, is made, prepared, dispensed, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof. (107 v. 460.)

Sec. 1177-16e. **(Revocation of certificate; enumeration of causes for revocation; notice; hearing.)** The certificate of a veterinarian may be revoked after proper notice and hearing by the state board of veterinary examiners in accordance with the provisions of the administrative procedure act and for the following reasons:

(1) For failing to report to the department of agriculture dangerously infectious and contagious diseases that are prescribed as such by said department.

(2) For dishonesty in applying a tuberculin test on cattle or making false record of such test.

(3) For the procuring of a license by fraudulent means.

(4) For the employing directly or indirectly of a capper, solicitor, or drummer to secure patients or obtaining a fee on the assurance that an incurable disease can be cured.

(5) For false advertising of medical practice intended or having a tendency to deceive and defraud the public.

(6) For having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(7) For any division of fees or charges or any agreement or arrangement to share fees or charges.

(8) For the sale of virus or any biologic, containing living, dead sensitized organisms, or the products of such organisms to any person other than a licensed veterinarian. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 1177-60. **(License required to dispose of bodies of dead animals.)** That any person, firm or corporation desiring to engage in the business of disposing of the bodies of dead animals, by burying, burning or cooking; and any person, firm or corporation in such business and desiring to continue same, shall first procure from the secretary of agriculture a license to do so, which license shall be for a period of one year and no longer. No license shall be required under the provisions of this act prior to January 1, 1920. (108 v. Pt. 1, 164.)

Sec. 1177-61. **(Who deemed engaged in the business. To whom act does not apply.)** Any person, firm or corporation who shall obtain from any other person, firm or corporation, by purchase or otherwise, the body of an animal for the purpose of obtaining the hide, skin or grease from such dead animal or for the purpose of disposing of the carcass of such dead animal in any way whatsoever, shall be deemed to have engaged in the business of disposing of the bodies of dead animals and shall be subject to all the provisions and penalties of this act. This act shall not apply to any person, firm or corporation engaged in the business of gathering up and disposing of the bodies of dead fowls, cats, dogs, and other small animals in cities and villages under contract with such cities and villages to dispose of such dead bodies as garbage, nor to any person in such

city or village who may employ another person to lawfully and legally dispose of the body of any animal which may have died in such city or village. Nothing in this act shall apply to the original owner disposing of carcasses of dead animals on his own premises. (108 v. Pt. 1, 164.)

Sec. 1177-67. **(Transportation of animals; regulations.)** Any person, firm or corporation holding license under the provisions of this act may haul and transport hogs which are afflicted with and carcasses of hogs that have died of disease in a covered wagon bed or tank which is water tight and is so constructed that no drippings or seepage can escape from such wagon bed or tank. Provided, however, such wagon bed or tank shall be so constructed as to conform to the rules and regulations that may be established by the secretary of agriculture and said carcasses shall not be removed from said wagon bed or tank except at the place of final disposal. (108 v. Pt. 1, 165.)

Sec. 1177-74. **(License may be refused or revoked; enumeration of causes for refusal or revocation; notice; hearing.)** The department may refuse to grant or may revoke a license when it is satisfied of the existence of the following reasons and after due hearing in accordance with the provisions of the administrative procedure act:

(a) When the applicant or licensee has violated the laws of the state or official regulations governing the inter-state or intra-state movement, shipment or transportation of animals.

(b) Where there have been false or misleading statements as to the health or physical condition of the animal or animals with regard to official tests or quantity of animals, or the practice of fraud or misrepresentation in connection therewith or in the buying or receiving of animals or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange, weighing or shipment of animals.

(c) Where there has been a continual course of dealings of such nature as to satisfy the department of the inability or unwillingness of the licensee properly to conduct the business of a dealer or broker.

(d) Where the licensee engages in buying or receiving animals, or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange of animals that are known to be diseased or are known to have been exposed to communicable diseases that are likely to be transmitted to other animals or human beings.

(e) Where the licensee fails to practice measures of sanitation, disinfection and inspection as included in this act or prescribed by

the department, of premises or vehicles used for the stabling, yarding, housing, holding, or transporting of animals.

(f) Where there has been a continual or persistent failure to keep records required by the department or where there is a refusal on the part of the licensee to produce records of transactions in the carrying on of the business for which such license is granted.

(g) Where the licensee providing weighing facilities used for or in connection with, or incident to, the purchase or sale of livestock, for the account of the licensee or others, fails to maintain and operate such weighing facilities in accordance with the provisions of section 1177-76a.

(h) Where the licensee in the conduct of the business covered by the license, persistently or frequently, fails to use weighing facilities maintained and operated in accordance with section 1177-76a or fails to cause its livestock to be weighed by licensed weighers as provided for in section 1177-76a.

(i) Where the licensee fails to maintain a bond or refuses or neglects to pay the fees or inspection charges required to be paid under the sanitary and other provisions of this act. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 1177-76. (Inspection and disinfection of yards, premises and vehicles; cost; exemption; sanitary requirements adopted.) Each dealer, broker, person, firm or corporation, his or its agent, leasing, renting, operating or owning livestock yards, pens, premises or vehicles in which animals are quartered, fed, held, or transported shall be required to have a veterinarian approved by the department inspect all such yards, premises and vehicles and to thoroughly and completely disinfect all such yards, pens, premises, and vehicles under the direction of the veterinarian and as prescribed by the department. The cost of such inspection and disinfection shall be borne by such dealer, broker, person, firm or corporation.

The department shall not require such veterinary inspection of yards, pens, premises or other facilities where veterinary inspection is regularly maintained by the United States bureau of animal industry, or by the municipality in which the same are located, or where livestock is transported to markets where such inspection is maintained.

The department is authorized to adopt and promulgate adequate sanitary requirements covering the construction and maintenance of buildings, pens and chutes on all premises regularly used for the purpose of assembling, receiving, handling, feeding, watering, holding, buying or selling of livestock, and to prescribe and enforce rules

and regulations for the purpose of carrying into effect the provisions of this act, but nothing herein shall apply to railroads subject to the interstate commerce act. (119 v. 599).

Sec. 1177-77. (**Inspection and treatment of animals sold, exchanged, etc.; fees.**) The department shall require an inspection and such treatments necessary to prevent the spread of diseases of all animals sold, resold, exchanged or transferred from pens, yards, premises or vehicles by brokers or dealers when such animals are sold for purposes other than immediate slaughter. Such inspection and treatments shall be made by a veterinarian approved by the department. The fees for such inspection and treatments shall be paid by the broker or dealer and a certificate of inspection provided by the department shall be issued to the purchaser by the inspecting veterinarian. This section shall not apply to a person, firm, or corporation operating a slaughtering establishment or establishments at which ante-mortem veterinary inspection is regularly maintained by the bureau of animal industry of the United States department of agriculture. (119 v. 601).

Sec. 1232. (**State department of health; powers and duties.**) There is hereby created a state department of health, which shall exercise all the powers and perform all the duties now conferred and imposed by law upon the state board of health and all such powers, duties, procedure and penalties for violation of its sanitary regulations shall be construed to have been transferred to the state department of health by this act. The state department of health shall exercise such further powers and perform such other duties as are herein conferred. The state department of health shall consist of a commissioner of health and a public health council. (107 v. 522).

NOTE: See also G. C. 154-24.

NOTE: The director of health, created by Sec. 154-3, General Code, succeeds to the powers and duties of the commissioner of health.

Sec. 1233. (**Director of health; appointment, qualifications, term, duties.**) The director of health shall perform all executive duties now required by law of the state board of health and the secretary of the state board of health, and such other duties as are incident to his position as chief executive officer. He shall administer the laws relating to health and sanitation and the regulations of the state department of health. He shall prepare sanitary and public health regulations for consideration by the public health council and shall submit to said council recommendations for new legislation. The director

of health shall sit at meetings of the public health council but shall have no vote. (118 v. 387).

Sec. 1234. (**Public health council; appointment, qualifications, terms, meetings.**) There shall be a public health council to consist of six members to be appointed by the governor. Not less than three of such members shall be physicians who are licensed to practice medicine in the state of Ohio. Of the members first appointed one shall hold office until July 1st, 1940, one until July 1st, 1941, one until July 1st, 1942, one until July 1st, 1943, one until July 1st, 1944, and one until July 1st, 1945, and the term of office of members thereafter appointed, except to fill vacancies, shall be for six years. Vacancies shall be filled by appointment by the governor for the unexpired term. No two members of the public health council shall be appointed from the same congressional district. At the time when this law becomes effective the terms of office of the members of the present public health council shall automatically expire and a new public health council shall be appointed by the governor. The public health council shall meet four times each year and may meet at such other times as the business of the council may require. The time and place for holding regular meetings shall be fixed in the by-laws of the council. Special meetings may be called upon the request of any four members of the council or upon request of the director of health, and may be held at any place deemed advisable by the council or director. Four members of the public health council shall constitute a quorum for the transaction of business. The public health council shall, on or before July 1st of each year, designate the member who shall act as its chairman for the ensuing year. The director of health shall upon request of the public health council, detail an officer or employe of the state department of health to act as secretary of the public health council, and shall detail from time to time other such employes as the public health council may require. The members of the council shall receive ten dollars a day while in conference and shall be reimbursed their necessary and reasonable traveling and other expenses incurred in the performance of their regular duties. (118 v. 388).

Sec. 1234-1. (**Power to administer oath.**) The commissioner of health and the secretary of the public health council shall have power to administer oaths in all parts of the state so far as the exercise of such power is incidental to the performance of the duties of the commissioner of health or the public health council. (108 v. Pt. I, 148).

Sec. 1235. (**Powers and duties.**) It shall be the duty of the public health council and it shall have the power:

(a) To make and amend sanitary regulations to be of general application throughout the state. Such sanitary regulations shall be known as the sanitary code.

(b) To take evidence in appeals from the decision of the director of health in a matter relative to the approval or disapproval of plans, locations, estimates of cost or other matters coming before the director of health for official action. In the hearing of such appeals the director of health may be represented in person or by the attorney general.

(c) To conduct hearings in cases where the law requires that the state department of health shall give such hearings; to reach decisions on the evidence presented, which shall govern subsequent actions of the director of health with reference thereto;

(d) To prescribe by regulations the number and functions of divisions and bureaus and the qualifications of chiefs of divisions and bureaus within the state department of health;

(e) To enact and amend by-laws in relation to its meetings and the transaction of its business;

(f) To consider any matter relating to the preservation and improvement of the public health and to advise the state director of health thereon with such recommendations as it may deem wise.

The public health council shall not have nor exercise executive or administrative duties. (118 v. 388).

Sec. 1236. (**Regulations shall be dated, signed and filed with secretary of state; publication.**) Every regulation adopted by the public health council shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the public health council, shall be filed in the office of the secretary of state, and a copy thereof shall be sent by the commissioner of health to each local board of health, health officer or person performing the duties of health officer, within the state, and shall be published in such manner as the public health council may from time to time determine. Every provision of the sanitary code shall apply to and be effective in all portions of the state. (107 v. 524).

Sec. 1236-1. (**Public health manual.**) The director of health shall publish and distribute, at least every five years and commencing with the passage of this act, to every health commissioner in the state a public health manual which shall contain all laws relating to the powers and duties of health officials, the sanitary regulations adopted by the public health council, and such other information and instruc-

tions as he may deem advisable. He shall keep the public health council, health officials and the general public fully informed in a printed annual report in regard to the work of the state department of health and on the progress that is being made in studying the cause and prevention of disease and such kindred subjects as may contribute to the welfare of the people of the state. (118 v. 389).

Sec. 1236-2. Repealed. (109 v. 132.)

Sec. 1236-3. **(Right of entry to investigate violations.)** The commissioner of health and any person authorized by him so to do may, without fee or hindrance, enter, examine and survey all grounds, vehicles, apartments, buildings and places within the state in furtherance of any duty laid upon the state department of health or where he has reason to believe there exists a violation of any health law of this state or of any provision of the sanitary code. (107 v. 524).

Sec. 1236 (Removal; procedure.) The director of health may be removed from office by the governor, only upon recommendation of the public health council; provided, that charges against him have been submitted in writing, and, after hearing, the public health council shall find, by a majority vote of the entire council, such charges to be true in fact, and their nature such that, in its opinion, the best interests of the state shall demand such removal. A member of the public health council may be removed by the governor for incompetence or gross neglect of duty. (118 v. 389).

Sec. 1236-5. **(Rooms provided.)** Suitable rooms for conducting the business of the state department of health shall be provided and maintained by the state. (107 v. 524).

Sec. 1236-6. **(Hospitals and dispensaries; classification; registration; reports.)** The commissioner of health shall have power to define and classify hospitals and dispensaries. Within thirty days after the taking effect of this act, and annually thereafter, every hospital and dispensary, public or private, shall register with, and report to, the state department of health, on forms furnished by the commissioner of health, such information as he may prescribe. (108 v. Pt. 1, 46).

NOTE: October 31, 1941, the director of health, in accordance with the provisions of section 1236-6 of the General Code, defined and classified hospitals and dispensaries as follows:

Hospital—Any institution or establishment, public or private, for the reception, care and treatment of bed patients as it relates to the physical or mental health of such persons, for a continuous period longer than twenty-four hours, and open to the public twenty-four

hours a day for emergency care if they have a minimum of five beds and one thousand or more patient days per annum shall be considered a hospital.

Hospital Dispensary—Any institution or establishment, public or private, operated in connection with a hospital as defined above, whose medical staff gives advice, diagnosis, or treatment bearing upon the physical or mental health of an individual, shall be considered a dispensary, and this shall also be considered to include outpatient, clinic and ambulatory departments. The term "Dispensary" shall not include private ambulatory patients referred to the hospital for specialized services, or the patients of a licensed practitioner of medicine with quarters in a hospital used for his private practice.

NOTE: For certification of per diem hospital rates, see G. C. 6308-8. ♦

Sec. 1237. (**General powers and duties.**) The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people and have supreme authority in matters of quarantine, which it may declare and enforce, when none exists, and modify, relax or abolish, when it has been established. It may make special or standing orders or regulations for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as it deems best to control by a general rule. It may make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by law. In such cases the necessary expense incurred shall be paid by the city, village or township for which the services are rendered. (99 v. 493).

Sec. 1237-1. (**Hygiene of maternity.**) The state of Ohio through the legislative authority thereof does hereby accept the provisions of an act of congress entitled "An act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes," approved November twenty-third, one thousand nine hundred and twenty-one, and does hereby designate the state department of health, through its division of child hygiene, as the state agency to cooperate with the children's bureau referred to in said act, and said department of health and the division of child hygiene thereof, shall be vested with all powers necessary for the accomplishment of such purposes. (110 v. 331).

Sec. 1237-2. (**Submission of plans to federal board.**) The department of health is hereby directed to submit through its division

of child hygiene to the federal children's bureau, detailed plans for carrying out the provisions of this act of congress aforesaid, within this state, which plans shall be subject to the approval of the federal board of maternity and child hygiene, provided that the plans submitted shall provide that no official, or agent, or representative, in carrying out the provisions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child. (110 v. 331).

Sec. 1237-3. **(Authority to receive funds.)** The treasurer of the state of Ohio is hereby authorized to receive all funds from the treasury of the United States, granted to the state of Ohio and apportioned for the purposes of said act, and said treasurer of the state of Ohio is hereby authorized and directed to pay over such funds to the state department of health to be expended in accordance with the terms of the aforesaid act of congress. (110 v. 331).

Sec. 1237-4. **(Medical and nursing service.)** Nothing in this act shall be construed as authorizing, or permitting, the expenditure of any public moneys to provide medical or nursing attendance or service. (110 v. 331).

Sec. 1238. **(Enforcement of rules and regulations.)** Local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables and other officers and employes of the state or any county, city or township, shall enforce the quarantine and sanitary rules and regulations adopted by the state board of health. (99 v. 493).

Sec. 1239. **(Special duties of the board.)** The state board of health shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities and employments, the personal and business habits of the people and the relation of the diseases of man and beast, shall be subjects of careful study by the board. It may make and execute orders necessary to protect the people against diseases of lower animals, and shall collect and preserve information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. When called upon by the state or local governments, or municipal or township boards of health it shall promptly investigate and report upon the water supply, sewerage, disposal of

excreta of any locality and the heating, plumbing and ventilation of a public building. (99 v. 494).

Sec. 1240. (Approval of plans for water supply or sewerage.)

No city, village, county, public institution, corporation or officer or employe thereof or other person shall provide or install a water supply or sewerage, or purification or treatment works for water supply or sewage disposal, or make a change in any water supply, water works intake, water purification works, sewerage or sewage treatment works until the plans therefor have been submitted to and approved by the state department of health. This act shall apply to water supply, sewerage, and purification or treatment works for water or sewage of a municipality or part thereof, an unincorporated community, a county sewer district or other land outside of a municipal corporation or any publicly or privately owned building or group of buildings or place, used for the assemblage, entertainment, recreation, education, correction, hospitalization, housing or employment of persons, but shall not apply to water supply or sewerage or purification or treatment works for water or sewage installed or to be installed for the use of a private residence or dwelling, or to water supply for industrial purposes and not intended for human consumption. In granting an approval authorized by this section the state department of health may stipulate such modifications, conditions and regulations as the public health may require. Any action taken by the director of health shall be a matter of public record and shall be entered in his journal. Whoever violates any provision of this section shall upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed to have been committed for each period of thirty days such violation shall continue after such conviction. (III v. 24).

Sec. 1240-1. (Plans for the disposal of waste must be approved by the department of health.)

No city, village, county, public institution, corporation or officer or employe thereof or other person shall establish as proprietor, agent, employe, lessee, or tenant, any garbage disposal plant, shop, factory, mill, industrial establishment, process, trade or business, in the operation of which an industrial waste is produced, or make a change in or enlargement of a garbage disposal plant, shop, factory, mill, industrial establishment, process, trade or business, whereby an industrial waste is produced or materially increased or changed in character, or install works for the treatment or disposal of any such waste until the plans for the disposal of such waste have been submitted to and approved by the state department

of health. For the purposes of this act industrial waste shall be construed to mean a water-carried or a liquid waste resulting from any process of industry, manufacture, trade or business, or development of any natural resource. In granting an approval authorized by this section the state department of health may stipulate such modifications, conditions and regulations as the public health may require. The state department of health shall not exercise any authority under the provisions of this section in any municipal corporation wherein ordinances or resolutions have been adopted and are being enforced by the proper authorities to make effective the provisions of this section. Any action taken by the director of health shall be a matter of public record and shall be entered in his journal. Whoever violates any provision of this section shall upon conviction thereof be fined not less than one hundred dollars nor more than five hundred dollars for each offense and a separate offense shall be deemed to have been committed for each period of thirty days such violation shall continue after such conviction. (III v. 24).

Sec. 1240-2. **(State department of health shall exercise general supervision of the disposal of sewage and industrial wastes.)** The state department of health shall exercise general supervision of the disposal of sewage and industrial wastes and the operation and maintenance of works or means installed for the collection, treatment or disposal of sewage and industrial wastes. Such general supervision shall apply to all features of construction, operation and maintenance of such works or means which do or may affect the proper treatment or disposal of such sewage and industrial wastes. For the purpose of exercising such general supervision the state department of health shall investigate the works or means employed in the collection, treatment and disposal of sewage and industrial wastes whenever deemed necessary by the department and whenever requested to do so by local health officials; and may adopt and enforce orders and regulations governing the operation and maintenance of such works or means and may require the submission of records and data of construction, operation and maintenance, including plans and descriptions of existing works or means of disposal of such sewage or wastes. When the state department of health shall require the submission of such records or information the public officials or person, firm or corporation having the works in charge shall promptly comply with such order.

The provisions of this section shall not apply to acid mine drainage and silt from coal mines until such time as, in the opinion of the state department of health, practical means for the removal of the

polluting properties of such drainage shall become known. (118 v. 500).

Sec. 1240-3. **(Studying and investigating the streams, lakes, and other bodies of water of the state, etc.)** The state department of health shall study and investigate the streams, lakes and other bodies of water of the state and waters forming the boundaries thereof, for the purpose of determining the uses of such waters, the causes contributing to their pollution and the effects of the same, and the practicability of preventing and correcting their pollution and of maintaining such streams, lakes and other bodies of water in such condition as to prevent damage to public health and welfare. For the purpose of providing effective control of the discharge of sewage and industrial wastes into the various streams, lakes and other bodies of water and for preventing the undue pollution thereof the state department of health may adopt and enforce such special or general regulations as it may deem necessary for the protection of the public health and welfare. (111 v. 25).

Sec. 1241. **(Chemical and bacteriological laboratory.)** The state board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, and the effluent of sewage purification works, for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders and such other diseases as it deems necessary, and for the examination of food suspected to be the cause of disease. The board shall examine and report each year the condition of all public water supplies. (99 v. 494.)

Sec. 1242. **(Secretary to have charge of laboratory.)** The secretary of the state board of health shall have charge of the laboratory authorized by the preceding section. The board may employ an assistant for the laboratory who shall be a person skilled in chemistry and bacteriology, and receive for his services such compensation as the board may allow. All expenses of such laboratory shall be paid from appropriations made for the board. (99 v. 495.)

Sec. 1243. **(Report as to contagious or infectious diseases.)** Boards of health, health authorities or officials, and physicians in localities where there are no health authorities or officials, shall report to the state board of health promptly upon the discovery thereof, the existence of any one of the following diseases: asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, membranous croup, typhus or typhoid fever, and such other contagious or infectious diseases as the state board specifies. (99 v. 495.)

Sec. 1243-1. **(Reports of occupational diseases and ailments;**

when and by whom made.) Every physician in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax or from compressed air illness and such other occupational diseases and ailments as the state department of health shall require to be reported, shall within forty-eight hours from the time of first attending such patient send to the state commissioner of health a report stating:

- (a) Name, address and occupation of patient.
- (b) Name, address and business of employed. (*)
- (c) Nature of disease.
- (d) Such other information as may be reasonably required by the state department of health.

The reports herein required shall be made on, or in conformity with the standard schedule blanks hereinafter provided for. The mailing of the report, within the time required, in a stamped envelope addressed to the office of the state commissioner of health, shall be a compliance with this section. (108 v. Pt. 2, 1129.)

(*) Should this read "employer"?

Sec. 1243-2. **Blanks for reports.)** The state department of health shall prepare and furnish, free of cost, to the physicians included in the preceding section, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the state department of health. (108 v. Pt. 2, 1129.)

Sec. 1243-3. **(Such reports not evidence.)** Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported. (103 v. 185.)

Sec. 1243-4. **(Reports to be made by state department of health to department of industrial relations.)** It shall furthermore be the duty of the state department of health to transmit a copy of all such reports of occupational disease to the proper official having charge of factory inspection. (108 v. Pt. 2, 1130.)

Sec. 1243-5. **(Penalty.)** Whoever being a physician practicing in the state of Ohio, neglects or refuses to make and transmit to the state commissioner of health any report provided for in section 1243-1 of the General Code shall be fined not to exceed one hundred dollars or imprisoned for not to exceed ninety days, or both, but no person shall be imprisoned under this section for a first offense and the prosecution shall always be as and for a first offense unless the

affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense. (108 v. Pt. 2, 1130.)

Sec. 1244. (Powers of board when local authorities fail to act.)

When a contagious or infectious disease becomes or threatens to become epidemic in a city, village or township, and the local authorities neglect or refuse to enforce efficient measures for its prevention, the state board of health or its secretary, on the order of its president, may appoint a medical or sanitary officer and such assistants as he may require, and authorize him to enforce such orders or regulations as the board or its secretary deems necessary. (99 v. 495.)

NOTE: For authority of director of health to appoint city and general health district health commissioners, see G. C. 1261-25 and 4405.

Sec. 1245. (Annual conference; expenses.) The state department of health shall make provision for annual conferences of district health commissioners for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in place of a board of health shall appoint its health commissioner or health officer a delegate to such annual conferences. The district board of health shall pay the necessary expenses of such delegate upon presentation of a certificate from the state commissioner of health that the delegate attended the sessions of such conference. (108 v. Pt. 1, 247.)

Sec. 1246. (School of instruction for health commissioners.)

The state commissioner of health may require any district health commissioner to attend immediately after his appointment, a school of instruction to be conducted by the state department of health at Columbus. The course at such school of instruction shall not exceed four weeks in duration, and the necessary expenses of the district health commissioner in attending such school shall be paid by the district board of health upon certification from the state commissioner of health that such officer has attended the school of instruction. (108 v. Pt. 1, 247.)

Sec. 1247. Prosecution and proceedings.) All prosecutions and proceedings by the state board of health for the violation of a provision of this chapter which the board is required to enforce, or for the violation of any of the orders or regulations of the board, shall be instituted by its secretary on the order of the president of the board. The laws prescribing the modes of procedure, courts, practice, penalties or judgments applicable to local boards of health, shall apply to the state board of health and the violation of its rules and orders.

All fines or judgments collected by the board shall be paid into the state treasury to the credit of such board. (99 v. 495.)

NOTE: For penalty, procedure, etc., see G. C. 4414 et seq.

Sec. 1248. **(Annual report.)** Each year, the state board of health shall make a report to the governor, which must include so much of the proceedings of the board, such information concerning vital statistics and diseases, such instructions on the subject of hygiene for dissemination among the people and such suggestions as to legislation as it deems proper. The board shall include in its annual report a full statement of all examinations made in its chemical and bacteriological laboratory, with a detailed account of all expenses so incurred. (99 v. 496.)

Sec. 1248-1. **(Definitions; inflammation of eyes of newborn; gonorrheal ophthalmia.)** Any inflammation, swelling or redness in either one or both eyes of any infant, either apart from or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring any time within two weeks after the birth of such infant shall be known as "inflammation of the eyes of the new born." Any inflammation of the conjunctiva or cornea, either apart from or together with any unnatural discharge from the eye or eyes, occurring at any time after two weeks after birth, if caused by the gonococcus, shall be known as "gonorrheal ophthalmia." (119 v. 608.)

Sec. 1248-2. **(Duty of physicians and others to report.)** It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature; parent, relative or any other attendant on any person with inflammation of the eyes, knowing either condition, hereinabove defined, to exist, within six hours thereafter, to report such facts, as the state department of health shall direct, to the health commissioner of the city or general health district within which such person may reside. (119 v. 608.)

Sec. 1248-3. **(Duties of health commissioner.)** It shall be the duty of the health commissioner:

1. To investigate or to have investigated, each case as filed with him in pursuance with the law, and any other such case as may come to his attention.

2. To report all cases of inflammation of the eyes of the new born and gonorrheal ophthalmia, as hereinbefore defined, and the result of all such investigation as the state department of health shall direct.

3. To conform to such other rules and regulations as the state department of health shall promulgate for his further guidance.

4. To determine the nature of the inflammation of the eyes in any case reported to him, and to refer immediately to the Ohio commission for the blind any inflammation of the eyes as hereinbefore defined, for such treatment as the commission may deem necessary. (119 v. 608.)

Sec. 1248-4. **(Duties state department of health.)** It shall be the duty of the state department of health:

1. To enforce the provisions of this act.

2. To promulgate such rules and regulations as shall be necessary for the purpose of this act, and such as the state department of health may deem necessary for the further and proper guidance of health commissioners.

3. To provide for the gratuitous distribution of a scientific prophylactic for inflammation of the eyes of the new born, together with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth.

4. To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the new born, and of gonorrheal ophthalmia, and the necessity for prompt and effective treatment.

5. To furnish copies of this law to all physicians and all persons engaged in services relating to the public health.

6. To keep a proper record of any and all cases of inflammation of the eyes of the new born and gonorrheal ophthalmia, as hereinbefore defined, as shall be filed in the office of the state department of health, in pursuance with this law and as may come to its attention in any way.

7. To report any and all violations of this act as may come to its attention, to the state medical board and also to the prosecuting attorney of the county wherein said misdemeanor may have been committed, and to assist said officials in every way possible, such as by securing necessary evidence. (119 v. 609.)

Sec. 1248-5. **(Duty of physician or attendant to use prophylactic.)** It shall be the duty of the physician, midwife or other person in attendance upon a case of childbirth in every infant immediately after birth, to use some prophylactic against inflammation of the eyes of the new born, and to make a record of the prophylactic used. (119 v. 609.)

Sec. 1248-6. (Penalty for failure to report or use prophylactic.)

Whoever being a physician, surgeon, midwife, obstetrician, nurse, manager or person in charge of a maternity home or hospital, parent, relative or person attendant upon or assisting at the birth of any infant violates any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in a sum not less than fifty dollars nor more than one hundred dollars and for each second or subsequent offense shall be fined not less than one hundred dollars nor more than three hundred dollars. It shall be the duty of the prosecuting attorney to prosecute all violations of this act. (119 v. 610.)

Sec. 1249. (Complaint of stream pollution nuisance; investigation.) Whenever the council or board of health, or the officer or officers performing the duties of a council or board of health, of a city or village, the commissioners of a county, the trustees of a township or fifty of the qualified electors of any city, village or township, or the managing officer or officers of a public institution set forth in writing to the state department of health that a city, village, public institution, corporation, partnership or person is discharging or is permitting to be discharged sewage or other wastes into a stream, water course, canal, lake or pond, and is hereby (*) creating a public nuisance detrimental to health or comfort, or is polluting the source of any public water supply, the commissioner of health shall forthwith inquire into and investigate the conditions complained of. (108 v. Pt. 1, 297.)

(*) Should this read "thereby"?

Sec. 1250. (Notice of findings and hearing; how given.) If the commissioner of health finds that the discharge of sewage or other wastes from a city, village or public institution, or by a corporation, partnership or person, has so corrupted a stream, water course, canal, lake or pond, as to give rise to foul and noxious odors or to conditions detrimental to health or comfort, the source of public water supply of a city, village, community or public institution is subject to contamination, or has been rendered impure by such discharge of sewage or other wastes, he shall notify the mayor or managing officer or officers of such city, village, public institution or corporation, partnership or person of his findings and of the time and place when and where a hearing may be had before the public health council. The notice herein provided shall be by personal service or by registered letter. (108 v. Pt. 1, 298.)

Sec. 1251. (Order by commissioner to make improvement;

approval by council.) After such hearing if the public health council shall determine that improvements or changes are necessary and should be made, the commissioner of health shall notify the mayor or managing officer or officers of such city, village, public institution, or corporation, partnership or person to install works or means, satisfactory to the commissioner of health, for purifying or otherwise disposing of such sewage or other wastes, or to change or enlarge existing works, in a manner satisfactory to the commissioner of health. Such works or means must be completed and put into operation within the time fixed in the order. The order of the commissioner of health and the time fixed for making the improvements or changes shall be approved by the public health council, and notification shall be had by personal service upon or by registered letter to the mayor or managing officer or officers of the city, village, public institution or corporation, partnership or person to whom said order shall apply. But no city or village discharging sewage into a river which separates the state of Ohio from another state shall be required to install sewage purification works so long as the unpurified sewage of cities or villages of another state is discharged into such river above such city or village of this state. (108 v. Pt. 1, 298.)

Sec. 1252. **(Complaint of impure water supply; investigation.)** Whenever the board of health, or officer or officers performing the duties of a board of health of a city or village or ten per cent of the electors thereof or the managing officer or officers of a public institution, shall file with the state department of health a complaint, in writing, setting forth that it is believed that the public water supply of such city or village, or public institution, is impure and dangerous to health, the state commissioner of health shall forthwith inquire into and investigate the conditions complained of. (108 v. Pt. 1, 298.)

Sec. 1252-1. **(Supervisory control of public water supplies by state department of health. Investigation of water supplies; orders and regulations.)** The state department of health shall exercise general supervision of the operation and maintenance of the public water supply and water works systems throughout the state. For the purposes of this act a public water supply and water works system shall include any such system publicly or privately owned which is of a public or quasi-public nature installed for a municipality or part thereof, an unincorporated community, a county sewer district or other land outside a municipality, a state, county, district or municipal public institution, a privately owned institution, university, college, seminary or school, club, church, factory or other place of employment, or other public, quasi-public or privately owned institution,

building or place used for the assemblage or employment of persons. Such general supervision shall include all features of construction, operation and maintenance of systems for supply, treatment, storage and distribution, which do or may affect the sanitary quality of the water supply. For the purpose of exercising such general supervision the state department of health shall investigate the public water supplies throughout the state as frequently as is deemed necessary by the department, and whenever requested to do so by the local health officials; and may adopt and enforce orders and regulations governing the construction, operation and maintenance of such public water supply and water works systems, and may require the submission of records of construction, operation and maintenance including plans and descriptions of existing works. When the state department of health shall have required the submission of such records or information the public officials or person, firm or corporation having the works in charge shall promptly comply with such request. (109 v. 319.)

Sec. 1252-2. (Analyses of water required at intervals; records.) For the purpose of controlling the sanitary quality of public water supplies, every city, village or other subdivision or district, public institution, or person, firm or corporation owning or operating a public water supply or water works system shall have analyses of the water made at such intervals and in such manner as may be ordered by the state department of health; and records of the results of such analyses shall be maintained and reported as required by the said department. (109 v. 320.)

Sec. 1252-3. (Connections with private auxiliary or emergency water supply, prohibited.) It shall be unlawful for any official, officer, or employe having in charge or being employed in the maintenance and operation of a public water supply and water works system or for any other person, firm or corporation to establish or permit to be established any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply may enter the supply or distributing system, unless such private, auxiliary or emergency water supply, and the method of connection and use of such supply shall have been approved by the state department of health. (109 v. 320.)

Sec. 1252-4. (Notice when danger of contamination or inadequate supply; investigation.) When the commissioner of health finds upon investigation that a public water supply is subject to the danger of contamination by reason of unsatisfactory location, protection,

construction, operation, or maintenance of the system, or by reason of the existence of an unsafe emergency supply or connection to an unsafe private or auxiliary supply, or if the commissioner of health finds upon investigation that the public health is endangered by reason of the existence of an inadequate public water supply or water works system, he shall notify the city, village, county, public institution, corporation, partnership or person owning or operating such public water supply or water works system of his findings and of the time and place, when and where a hearing may be had before the public health council. Such notice shall be by personal service, or shall be sent by registered letter to the mayor or managing officer or officers of the city, village, county or public institution or to the corporation, partnership or person owning or operating such supply. Investigations made in accordance with this section may be at the initiative of the commissioner of health. (109 v. 320.)

Sec. 1252-5. (**Corrections and changes may be ordered; notice; procedure.**) After such hearing, if the public health council shall determine that improvements or changes are necessary and should be made, the commissioner of health shall notify the mayor or managing officer or officers of the city, village, county, or public institution or the corporation, partnership or person owning or operating such water supply or water works system to make improvements, corrections and changes in the location, protection, construction, operation or maintenance of the water supply or water works system satisfactory to the commissioner of health, so as to prevent the contamination of the water supply or to provide a water supply not subject to the danger of contamination, or to provide a water supply and water works system adequate to avoid endangering the public health. The order of the commissioner of health and the time fixed for making the improvements or changes shall be approved by the public health council and the notification shall be made by personal service upon or by registered letter to the mayor or managing officer or officers of the city, village, county or public institution or to the officials, corporation, partnership or person to whom said order shall apply. When such order is issued subsequent procedures shall be in accordance with and governed by the provisions of sections 1257, 1258, 1258-1, 1258-2, 1258-3, 1258-4, 1258-5, 1258-6, 1258-7, 1258-8, 1259, 1259-1, 1260 and 1261 of the General Code. (109 v. 321.)

Sec. 1252-6. (**Penalty for violation of law.**) Whoever violates any of the provisions of sections 1, 2 or 3 of this act (G. C. 1252-1, 1252-2 and 1252-3) shall be deemed guilty of a misdemeanor and upon

conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.) (109 v. 321.)

Sec. 1253. (Notice of findings; hearing by public health council.)

If the commissioner of health finds that the public water supply of a city, village or public institution is impure and dangerous to health and that it is not practicable to sufficiently improve the character of such supply by removing the source or sources of pollution affecting it, or if the commissioner of health finds that such water supply is being rendered impure and dangerous to health by reason of improper construction or inadequate size of existing water purification works, he shall notify such city, village, or public institution, corporation, partnership or person owning or operating such water supply or water works of his findings and of the time and place when and where a hearing may be had before the public health council. Such notice shall be by personal service or shall be sent by registered letter to the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership or person owning or operating such water supply or water works. (108 v. Pt. 1, 299.)

Sec. 1254. (Order of commissioner; approval of public health council.) After such hearing, if the public health council shall determine that improvements or changes are necessary and should be made, the commissioner of health shall notify the mayor or managing officer or officers of the city, village, public institution or corporation, partnership or person owning or operating such water supply or water works to change the source of supply or to install and place in operation water purification works or device satisfactory to the commissioner of health, or to change or enlarge existing water purification works in a manner satisfactory to said commissioner. The order of the commissioner of health and the time fixed for making the improvements or changes shall be approved by the public health council and notification shall be had by personal service upon or by registered letter to the mayor or managing officer or officers of the city, village, public institution or corporation, partnership or person to whom said order shall apply. (108 v. Pt. 1, 299.)

Sec. 1255. (Order for improvement of water purification or sewage treatment works.) When the commissioner of health finds upon investigation, that any water purification or sewage treatment works, on account of incompetent supervision or inefficient operation is not producing an effluent of such quality as might be reasonably obtained from such water purification or sewage treatment works, and by reason of such neglect the public water supply has become impure and dangerous to health, or that a stream, water course,

canal, lake, pond or body of water has become offensively polluted or has become a public nuisance or that a public water supply taken from such stream, water course, canal, lake, pond or body of water has been rendered impure and dangerous to health, the commissioner of health shall issue an order to the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership or person having charge of or owning such water purification or sewage treatment works, to secure an effluent of such quality as might be reasonably expected from such works and satisfactory to the commissioner of health. (108 v. Pt. 1, 299).

Sec. 1256. **(Order to appoint and pay competent person; approval by commissioner.)** If the managing officer or officers of such city, village, public institution, or corporation, partnership or person fails, for a period of five days after receiving such order, to secure an effluent satisfactory to the commissioner of health, the commissioner of health shall report the fact to the public health council and upon its approval may order such managing officer or officers or person owning such works to appoint within ten days, and pay the salary of a competent person to be approved by the commissioner of health, to take charge of and operate such works as to secure the results demanded by the commissioner of health. (108 v. Pt. 1, 300).

Sec. 1257. **(Right of appeal; procedure.)** If the findings or order of the commissioner of health, when approved by the public health council and made in pursuance of the provisions of this chapter relating to stream pollution and public water supply, are not acceptable to any city, village, public institution, corporation or owner effected thereby, such city, village, public institution, corporation or owner shall have the right to appeal as follows: Two reputable and experienced sanitary engineers shall be chosen, one by the city, village, public institution, corporation or owner and the other by the commissioner of health, who shall not be a regular employe of the state department of health. Such persons shall act as referees. If the referees so chosen are unable to agree, they shall choose a third engineer of like standing and the vote of the majority shall be final. As soon as such referees are chosen, the commissioners (*) of health shall file with them a certified copy of the complaint and the findings and order of the state department of health, and it shall be the duty of such referees to investigate the conditions complained of and to determine if such findings are correct and if the order provides a proper remedy for such conditions. The appeal provided for in this section shall be made within thirty days from the date of service

(*) Should this read "commissioner"?

of the order upon the mayor or managing officer or officers of the city, village, public institution or corporation or owner, and notice thereof in writing shall be served upon the commissioner of health by personal service for which there shall be acknowledgment, or sent by registered letter. (108 v. Pt. 1, 300).

Sec. 1258. (Powers of referees; fees and expenses, how paid.)

Such referees may affirm or reject the findings or order of the commissioner of health or may modify such order as to the time within which improvements or changes shall be made, and their decision, which must be in writing and be made within a reasonable time, shall be reported to the commissioner of health and to the city, village, public institution, corporation or owner and shall be final except as hereinafter provided. If said findings and order shall be approved or modified by said referees, the order shall be enforced by the commissioner of health in the manner provided for in this chapter. The fees and expenses of the referee appointed by the commissioner of health shall be paid from funds appropriated to the state department of health for such purpose. The fees and expenses of the referee appointed by the city, village, public institution, corporation or owner shall be paid by the city, village, public institution, corporation or owner making such appeal. The fees and expenses of the third referee shall be equally divided between the state department of health and the city, village, public institution, corporation or owner making appeal. (108 v. Pt. 1, 300).

Sec. 1258-1. (When and how additional charges for supply obtained.) Where an order of the commissioner of health to a corporation, partnership or person owning and operating a water works is approved or modified by the referees provided for in sections 1257 and 1258 of the General Code, or if such corporation, partnership or person shall accept such order without appeal to such referees and it shall be claimed by such corporation, partnership or person that the revenues derived from the operation of such water works are not sufficient to warrant the expense of making the improvements or changes so ordered, an application may be made to the public utilities commission of Ohio for authority to make and collect additional charges from the water consumers and user (*) of the utility's service. Upon the filing of such application the commission shall fix a time for the hearing thereof and give notice thereof to the mayor of the municipality and the state commissioner of health and if upon hearing the public utilities commission shall determine and find that the rates theretofore authorized to be charged will not provide

(*) Should this read "users"?

revenue sufficient to operate said water works and make a reasonable return upon the investment after such improvements and changes are made, it shall by order authorize the collection of such additional charges and compensation as may under all the circumstances be just and reasonable. (108 v. Pt. 1, 301).

Sec. 1258-2. (**Order, how reversed, vacated or modified.**) An order as made by the commissioner or director of health or as approved or modified by the referees as herein provided, shall be reversed, vacated or modified by the supreme court on appeal, if upon consideration of the record such court is of the opinion that such order was unlawful and unreasonable. (116 v. 104).

Sec. 1258-3. (**Proceeding instituted by notice of appeal; service of notice.**) The proceeding to obtain such reversal, vacation or modification shall be instituted by notice of appeal, filed with the commissioner or director by the municipal corporation, managing board of (*) officer of a public institution, corporation, partnership or person to which such order of the commissioner or director of health shall apply, setting forth the order appealed from and the errors complained of. The notice of appeal shall be served unless waived, upon the commissioner or director of health, or in his absence by leaving a copy at his office in the city of Columbus. (116 v. 104).

(*) Should this read "or"?

Sec. 1258-4. (**Transcript to supreme court.**) Upon service or waiver of notice of appeal the commissioner or director of health shall forthwith transmit to the clerk of the supreme court a transcript of his journal entries, original papers or transcripts thereof and a certified copy of all evidence adduced upon the hearing before the public health council in the proceeding complained of, which shall be filed in said court. (116 v. 104).

Sec. 1258-5. (**Proceeding deemed commenced, when.**) No proceeding to reverse, vacate or modify an order of the commissioner or director of health shall be deemed commenced unless the notice of appeal therefor is filed within thirty days after service of the order upon the mayor or managing officer or officers of the municipal corporation, public institution, or corporation, partnership or person to whom such order shall apply. Or if there has been an appeal to referees then such notice of appeal shall be filed within two weeks after the determination of such appeal and due notice thereof. A proceeding to reverse, vacate or modify an order of the commissioner or director of health shall operate to stay execution thereof until the supreme court shall render a decision thereon. (116 v. 104).

Sec. 1258-6. (Supreme court only has power to suspend order.)

No court other than the supreme court shall have the power to review, suspend or delay any order of the commissioner of health, or enjoin, restrain or interfere with the commissioner of health or public health council in the performance of official duties required or power exercised under the provisions of this act. (108 v. Pt. 1, 302).

Sec. 1258-7. (Former orders shall continue in full force.) All orders heretofore issued or promulgated by the state board of health or by the state department of health shall continue in full force and have the same effect as though they had been lawfully made, issued or promulgated under the provisions of this act. (108 v. Pt. 1, 302).

Sec. 1258-8. (Section or part held void does not affect others.) Each section of this act and every part thereof is hereby declared to be an independent section, and part of a section, and the holding of a section or part of a section thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof. (108 v. Pt. 1, 302).

Sec. 1259. (How funds provided.) Each municipal council, department or officer having jurisdiction to provide for the raising of revenue by tax levies, sale of bonds, or otherwise shall take all steps necessary to secure the funds for any such purpose or purposes. When the funds are secured, or the bonds therefore have been sold in accordance with law such funds shall be considered as in the treasury and appropriated for such particular purpose or purposes, and shall not be used for any other purpose. Contracts for expenditure from such funds shall not be valid unless approved by the director of health. (112 v. 384).

Sec. 1259-1. (Duty of state tax commission. Duty of taxing authority. Exemption from limitations.) If the tax commission of Ohio certifies to the director of health that the municipal corporation is unable to comply with the provisions of the foregoing section without a vote of the electors by reason of existing debt and tax limitations, the director of health may find that an emergency exists requiring the immediate issue of bonds. When such finding approved by the governor is certified to the taxing authority of the municipality, it shall, first, provide such funds as can be provided without a vote of the electors; second, issue bonds without such vote which bonds shall be outside of the 1% limitation provided by section 2293-14 of the General Code but within the limitation of 5% provided thereby, but nothing herein shall prevent the application to such bonds of the provisions of sub-section (d) of section 2293-14 to the extent that the income from the improvement made under order of

the director of health is sufficient to cover the cost of all operating expenses and debt charges on said bonds or part thereof; third, if sufficient funds cannot be produced by the first and second method, issue bonds without vote of the electors outside of the 5% limitation provided by such section in the amount required to provide the balance necessary. The certificate of the tax commission of Ohio as to the amount of such balance necessary shall be final. The debt charges on bonds issued under order of the director of health outside of the 1% or 5% limitations prescribed by section 2293-14 of the General Code shall be outside of the fifteen mill limitation prescribed by law, but the net indebtedness on bonds heretofore issued under authority of section 1259 of the General Code and hereafter issued under the authority of this section shall never exceed 3% of the total value of all property in such municipality as listed and assessed for taxation. (112 v. 384).

NOTE: Bonds heretofore issued under authority of G. C. 1259 and hereafter issued under order of the director of health, in accordance with the provisions of G. C. 1259-1 are not to be considered in computing the "net indebtedness" of municipal corporations. (G. C. 2293-14.)

Sec. 1260. **(Forfeiture for failure to obey orders.)** If a council, department or officer of a municipality, or person, partnership or private corporation fails or refuses for a period of thirty days, after notice given him or them by the commissioner of health of his findings and order and the approval thereof by the public health council, to perform any act or acts required of him or them by this chapter relating to stream pollution and public water supply, the members of such council or department, or such officer or officers, person, partnership or private corporation shall be personally liable for such default, and shall forfeit and pay to the state of Ohio five hundred dollars to be paid into the state treasury to the credit of the general revenue fund. (108 v. Pt. 1, 303).

Sec. 1261. **(Action for recovery.)** An action may be begun for the recovery of such penalty by the prosecuting attorney of a county in the name of the state in the court of common pleas of such county having jurisdiction of any such party or parties, or it may be begun by the attorney general in such county or the county of Franklin, as provided by law. The court of common pleas, upon good cause shown, may, at its discretion, remit such penalty or any part thereof. (108 v. Pt. 1, 303).

Sec. 1261-1. Repealed. (109 v. 132). *

Sec. 1261-2. **(Plumbing inspectors; qualifications. Rules and regulations. Plans and specifications.)** In the department of health

there shall be such number of plumbing inspectors as the necessities of the work shall require and the appropriations for such inspections will permit. Such inspectors shall be practical plumbers with at least seven years' experience, and skilled and well trained in matters pertaining to sanitary regulations concerning plumbing work. The department of health shall have the power to make and enforce rules and regulations governing plumbing and register those persons engaged in or at the plumbing business to carry out the provisions of this act. Plans and specifications for all sanitary equipment or drainage to be installed in or for buildings coming within the provisions of this act shall be submitted to and approved by the department of health before the contract for installation of the sanitary equipment or drainage shall be let. (109 v. 127).

Sec. 1261-3. (**Duties of inspector.**) It shall be the duty of said inspector of plumbing, as often as instructed by the state board of health, to inspect any and all public or private institutions, sanitariums, hospitals, schools, prisons, factories, workshops, or places where men, women or children are or might be employed, and to condemn any and all unsanitary or defective plumbing that may be found in connection therewith, and to order such changes in the method of construction of the drainage and ventilation, as well as the arrangement of the plumbing appliances, as may be necessary to insure the safety of the public health.

Such inspector shall not exercise any authority in municipalities or other political subdivisions wherein ordinances or resolutions have been adopted and are being enforced by the proper authorities regulating plumbing or prescribing the character thereof. (107 v. 609).

Sec. 1261-4. (**Subject to orders of state board of health.**) He shall hold himself in readiness at any and all times to go to any part of the state if so directed by the executive officer of the state board of health, for the purpose of making a sanitary inspection of any building or other place that he has reason to believe is in such a condition as to be a menace to the public health. (107 v. 609).

Sec. 1261-5. (**Inspector's certificate; posting required.**) When any building is found to be in a sanitary condition or when changes which are ordered in the plumbing, drainage or ventilation have been made, and after a thorough inspection on approval by said inspector of plumbing, he shall issue a certificate signed by himself and countersigned by the executive officer of the state board of health, which must be posted in a conspicuous place for the benefit of the public at large. Upon notification by said inspector, said certificate shall be revoked for any violation of this act. (107 v. 609).

Sec. 1261-6. **(Permit from state board of health; application, fee.)** No plumbing work shall be done in this state in any building or place coming within the jurisdiction of the state inspector of plumbing, except in cases of repairs or leaks in existing plumbing, until a permit has been issued by the state inspector of plumbing and the executive officer of the state board of health. Before granting such permit, an application shall be made by the owner of the property or by the person, firm or corporation who is to do the work. Such application shall be made on blanks prepared for the purpose, and each application shall be accompanied by a fee of one (1) dollar, and an additional fee of fifty (50) cents for each trap or vented fixture up to and including ten fixtures, and for each trap or vented fixtures over ten a fee of twenty-five (25) cents. The fees so collected shall be paid into the state treasury and credited to the general revenue fund. Whenever a re-inspection is made necessary by the failure of the plumbing contractor to have the work ready for inspection when so reported, or by reason of faulty or improper installation, he shall pay a fee of ten (10) dollars for each such inspection. (107 v. 609).

Sec. 1261-7. **(Bond of inspector, where filed.)** Within ten days after his appointment the said inspector shall give a bond, payable to the state of Ohio, for the faithful performance of his duties in the sum of five thousand dollars. Said bond when approved by the attorney general shall be deposited with the secretary of state and kept in his office. (103 v. 532).

Sec. 1261-8. **(Inspector shall not engage in plumbing business.)** No inspector so appointed shall, during his term of office, be engaged or interested in the plumbing business or the sale of any plumbing supplies, nor shall he act as agent, directly or indirectly, for any person or persons so engaged. (107 v. 610).

Sec. 1261-9. **(Salary of inspector and deputies.)** The state inspector of plumbing and the deputy state inspectors shall receive such salaries as are fixed by the state board of health. The necessary traveling and other expenses of inspectors while in the performance of their official duties, shall be paid from the fund provided for that purpose. (107 v. 610).

Sec. 1261-10. **(Powers of inspectors.)** State inspectors of plumbing shall have the power between sunrise and sunset to enter any building where there is good and sufficient reason to believe that the sanitary condition of such premises is such as to endanger the

public health, for the purpose of making such inspection as may be necessary to ascertain the condition of the same. (107 v. 610).

Sec. 1261-11. (**Reports.**) The state inspector of plumbing shall report promptly to the state board of health the condition of all premises inspected by him or by his deputies; also the number of inspections and changes ordered, as well as any other information concerning his office that they may require. (107 v. 610).

Sec. 1261-12. (**Office and apparatus.**) The state inspector of plumbing shall be provided with a suitable office in the city of Columbus, as well as with all necessary apparatus for making tests, and such furniture, stationery and supplies as the business of his office may require. (107 v. 610).

Sec. 1261-13. (**Duty of owner to comply with notice.**) It shall be the duty of any owner, agent or manager, of any building where an inspection is made by said inspector of plumbing, to cause or have the entire system of drainage and ventilation repaired, as he may direct. After due notice to repair such work, it shall be the duty of said owner, agent or manager to notify said inspector of plumbing that such work is ready for his inspection. Failing to have the work ready for inspection at the time specified in such notice, he shall be subject to such penalty as hereinafter provided. (107 v. 610).

Sec. 1261-14. (**Penalty.**) Any person or persons, owner, agent or manager refusing, failing or neglecting to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than ten nor more than one hundred dollars, or imprisoned for not less than ten nor more than ninety days or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense. (101 v. 396).

Sec. 1261-15. (**Prosecutions.**) It shall be the duty of said inspector of plumbing upon receipt of the knowledge that any part of this act has been violated, to go before any justice of the peace within the county, or a justice of the peace, mayor or police judge of the municipality where the offense was committed or the offending person resides, and cause the arrest and prosecution of all persons of whom he has reason to believe are guilty of such violations. (107 v. 610).

Sec. 1261-16. (**Health districts, city and general.**) For the purposes of local health administration the state shall be divided into

health districts. Each city shall constitute a health district and for the purposes of this act shall be known as and hereinafter referred to as a city health district. The townships and villages in each county shall be combined into a health district and for the purposes of this act shall be known as and hereinafter referred to as a general health district. As hereinafter provided for, there may be a union of two general health districts or a union of a general health district and a city health district located within such district. (108 v. Pt. 2, 1085.)

Sec. 1261-17. **(General district board of health; appointment; vacancies; how filled; compensation.)** In each general health district, except in a district formed by the union of a general health district and a city health district, there shall be a district board of health consisting of five members to be appointed as hereinafter provided and as provided in section 4406 of the General Code. Each member of the board of health of a general health district shall be paid three dollars a day and mileage at the rate of five cents a mile to and from the place of meeting to cover the actual and necessary expenses incurred during his attendance upon any meeting of the board not exceeding twelve meetings in any one year. A vacancy in the membership of the board of health of a general health district shall be filled in like manner as an original appointment and shall be for the unexpired term. Provided, that when a vacancy shall occur more than ninety days prior to the annual meeting of the district advisory council the remaining members of the district board of health may select a resident of the district to fill such vacancy until such meeting. A majority of the members of the district board of health shall constitute a quorum. (119 v. 747.)

Sec. 1261-18. **(District advisory council; how constituted; to appoint board of health; annual meeting; duty of secretary; special meetings; expenses.)** Within sixty days after this act shall take effect the mayor of each municipality not constituting a city health district and the chairman of the trustees of each township in a general health district shall meet at the county seat and shall organize by selecting a chairman and a secretary. Such organization shall be known as the district advisory council. The district advisory council shall proceed to select and appoint a district board of health as hereinbefore provided, having due regard to the equal representation of all parts of the district. Where the population of any municipality represented on such district advisory council exceeds one-fifth of the total population of the district, as determined by the last preceding federal census such municipality shall be entitled to one representative on the district board of health for each fifth of the population of such

municipality (*). Of the members of the district board of health, one shall be a physician. Annually thereafter the district advisory council shall meet on the first Monday in May for the purpose of electing its officers and a member of the district board of health and shall also receive and consider the annual or special reports of the district board of health and make recommendation to the district board of health or to the state department of health in regard to matters for the betterment of health and sanitation within the district or for needed legislation. It shall be the duty of the secretary of the district advisory council to notify the district health commissioner and the state commissioner of health of the proceedings of such meeting. Special meetings of the district advisory council shall be held on request of the district board of health or on the order of the state commissioner of health. On certification of the chairman and secretary the necessary expenses of each delegate to an annual or special meeting shall be paid by the village or township he represents. The district health commissioner shall attend all meetings of the district advisory council. (108 v. Pt. 2, 1086.)

(*) Should this read "district"?

Sec. 1261-19. **(Organization of board; health commissioner; qualifications, term; duties.)** Within thirty days after the appointment of the members of the district board of health in a general health district, they shall organize by selecting one of the members as president and another member as president pro tempore. The district board of health shall appoint a district health commissioner upon such terms, and for such period of time, not exceeding two years, as may be prescribed by the district board. Said appointee shall be a licensed physician and shall be secretary of the board and shall devote such time to the duties of his office as may be fixed by contract with the district board of health. Notice of such appointment shall be filed with the state commissioner of health. The district health commissioner shall be the executive officer of the district board of health and shall carry out all orders of the district board of health and of the state department of health. He shall be charged with the enforcement of all sanitary laws and regulations in the district, and shall have within the general health district all the powers now conferred by law upon health officers of municipalities. It shall be the duty of the district health commissioner to keep the public informed in regard to all matters affecting the health of the district. (108 v. Pt. 2, 1086.)

Sec. 1261-20. (**Union of city with general health district; vote on question; contract for service; contract with another city; subsidy.**) When it is proposed that a city health district unite with a general health district in the formation of a single district, the district advisory council of the general health district shall meet and vote on the question of union and it shall require a majority vote of the total number of townships and villages entitled to representation voting affirmatively to carry the question. The council or body performing the duties of council of the city shall likewise vote on the question and a majority voting affirmatively shall be required for approval. When the majority of the district advisory council and the council of the city have voted affirmatively, the chairman of the district advisory council and the mayor or chief executive of the city shall enter into a contract for the administration of health affairs in the combined district. Such contract shall state the proportion of the expenses of the board of health or health department of the combined district to be paid by the city and by that part of the district lying outside of the city; the contract may provide that the administration of the combined health district shall be taken over by either the board of health or health department of the city or by the board of health of the general health district and shall prescribe the date on which such change of administration shall be made. A copy of such contract shall be filed with the state director of health.

The combined health district hereinbefore provided for shall constitute a general health district, and the board of health or health department of the city or the board of health of the original health district as may be agreed in the contract, shall have within the combined district all the powers hereinafter granted to, and perform all the duties herein or hereafter required of the board of health of a general district.

If the contract shall provide that the administration of the combined health district shall be taken over by the board of health of the original general health district, upon the occurrence of the first vacancy in such board, whether by expiration of the term of a member or otherwise, the vacancy shall be filled by the election of a resident of the city health district. Such election shall be made by the district advisory council of the combined general health district, which shall consist of the members of the district advisory council of the original general health district and the mayor of the city constituting the city health district, each member having one vote; or the vacancy may be filled by the board of the original general health district until an election shall be made by the district advisory council as hereinbefore provided.

A city constituting a city health district may enter into a contract for public health service with the council or managing officer or officers of another city. Such proposal shall be made by the city seeking health service and shall be approved by a majority of the members of the city council. Such a contract shall state the amount of money to be paid by the city for such service and how it is to be paid; shall provide for the amount and character of health service to be given by the city health district; shall state the date on which such service shall begin and the length of time such contract shall be in effect. No such contract shall be in effect until the state department of health shall determine that the health department of the city providing such service is organized and equipped to provide adequate health service. After such contract has been approved by the state department of health the board of health or health department of the city providing such service shall have within the city health district receiving such service all the powers and shall perform all the duties heretofore or hereinafter granted to or required of the board of health of a city health district.

Any city health district which enters into any such contract, as set forth in this act, shall be entitled to a subsidy, as provided in section 1261-39 of the General Code, from the state of Ohio, equal to one-half of the amount paid yearly as the city's proportion of the total cost. The amount of the subsidy, however, shall not exceed (\$1,000) one thousand dollars for any six months period. (114 v. 114.)

Sec. 1261-21. **(Combination of two general health districts; procedure.)** Where it is proposed that two general health districts shall unite in the formation of one general health district, the district advisory council of each general health district shall meet and vote on the question of union and an affirmative majority vote of the total number of townships and villages entitled to representation on the district advisory council shall be required for approval. When the two district advisory councils have voted affirmatively on the question, they shall meet in joint session and shall elect a district board of health for the combined districts and not more than three members shall be from any one original district.

When such union is completed such district shall constitute a general health district and shall be governed in the manner herein provided for general health districts. Where two general health districts unite to form one district, the office of the district board of health shall be located at the county seat of the most populous county, except that for good cause such office may, with the approval of the state commissioner of health, be located in the municipality most

accessible by usual means of transportation to the whole of the district, (108 v. Pt. 2, 1087.)

Sec. 1261-22. (**Public health nurse, clerk and other employes; appointment; removal; clinics; detention hospital.**) In any general health district the district board of health may upon the recommendation of the health commissioner appoint for whole or part time service a public health nurse and a clerk and such additional public health nurses, physicians and other persons, as may be necessary for the proper conduct of its work. Such number of public health nurses may be employed as is necessary to provide adequate public health nursing service to all parts of the district. The district health commissioner and other employes of the district board of health may be removed for cause by a majority of the board. The board of health of each district may provide such infant welfare stations, pre-natal clinics and other measures for the protection of children as it may deem necessary. It may also provide for the prevention and treatment of trachoma and may establish clinics or detention hospitals and provide the necessary medical and nursing service therefor. (108 v. Pt. 2, 1088.)

Sec. 1261-23. Repealed. (108 v. Pt. 2, 1093.)

Sec. 1261-24. (**State commissioner of health may appoint district board.**) If in any general health district the district advisory council shall fail to meet or to select a district board of health, within ninety days after this act shall take effect, the state commissioner of health may, with the consent of the public health council, appoint a district board of health for such district which shall have and exercise all powers conferred by this act on district boards of health. (108 v. Pt. 1, 240.)

Sec. 1261-25. (**Public health council may remove health commissioner or members of board; vacancies, how filled.**) If the state commissioner of health shall find that the district health commissioner or the members of the board of health of a general or city health district, or any member thereof, has failed to perform any or all the duties required by this act, he shall prefer charges against such district health commissioner or such members of the board or such member before the public health council and shall notify such commissioner or the members of the board or such member as to the time and place at which such charges will be heard. If the public health council shall, after hearing, find the district health commissioner or members of such board or such member guilty of the charge or charges, it may remove such district health commissioner, members

of the board, or such member from office. When all, or a majority of the members of the board of health of a general or city health district are so removed from office, the district advisory council or the mayor of the city, upon notice of such removal, shall within thirty days after receipt of such notice select a new board of health or members to fill the vacancies caused by removal, and if the district advisory council or mayor fails within sixty days to select such board or such member or members, the state commissioner of health with the approval of the public health council, may appoint a board of health for such general or city health district or fill the vacancies caused by removal (108 v. Pt. 2, 1088.)

Sec. 1261-26. **(Duties of boards of health; medical supervision of school children.)** In addition to the duties now required of boards of health, it shall be the duty of each district board of health to study and record the prevalence of disease within its district and provide for the prompt diagnosis and control of communicable diseases. The district board of health may also provide for the medical and dental supervision of school children, for the free treatment of cases of venereal diseases, for the inspection of schools, public institutions, jails, workhouses, children's homes, infirmaries, and other charitable, benevolent, correctional institutions. The district board of health may also provide for the inspection of dairies, stores, restaurants, hotels and other places where food is manufactured, handled, stored, sold or offered for sale, and for the medical inspection of persons employed therein. The district board of health may also provide for the inspection and abatement of nuisances dangerous to public health or comfort, and may take such steps as are necessary to protect the public health and to prevent disease.

Provided that in the medical supervision of school children as herein provided, no medical or surgical treatment shall be administered to any minor school child except upon the written request of a parent or guardian of such child; and provided further, that any information regarding any diseased condition or defect found as a result of any medical school examination shall be communicated only to the parent or guardian of such child and if in writing shall be in a sealed envelope addressed to such parent or guardian. (108 v. Pt. 2, 1088.)

Sec. 1261-27. **(Laboratories; state institutions maintaining laboratories; approved by commissioner of health.)** Each district board of health may provide for the carrying on of such laboratory work as is necessary for the proper conduct of its work. It may establish a district laboratory or may contract with any existing laboratory

within or convenient to the district for the performance of such work, or may unite with another district in the establishment of a joint laboratory. It shall be the duty of all state institutions supported in whole or in part by public funds to furnish such laboratory service as may be required by any district board of health under terms to be agreed upon. Any contract for the furnishing of laboratory service to a district board of health and any proposal for the establishment of a joint laboratory, shall be subject to the approval of the state commissioner of health. In the operation of such laboratories standard methods approved by the state commissioner of health shall be used. (108 v. Pt. 2, 1089.)

Sec. 1261-28. **(Venereal diseases.)** Each district board of health may provide for the free treatment of cases of gonorrhea, syphilis and chancroid. It may establish and maintain one or more clinics for such purpose and may provide for the necessary medical and nursing service therefor. The district board of health may provide for the quarantine of such carriers of syphilis, gonorrhea, or chancroid, as the state commissioner of health shall order to be quarantined. It shall use due diligence in the prevention of such venereal diseases and shall carry out all orders and regulations of the state department of health in connection therewith. (108 v. Pt. 2, 1089.)

Sec. 1261-29. **(Diphtheria antitoxin.)** Each district board of health shall provide for the free distribution of antitoxin for the treatment of cases of diphtheria and shall establish sufficient distributing stations to render such antitoxin readily available in all parts of the district. (108 v. Pt. 1, 241.)

Sec. 1261-30. **(District boards of health to have same powers and duties as municipal boards of health.)** The district board of health hereby created shall exercise all the powers and perform all the duties now conferred and imposed by law upon the board of health of a municipality, and all such powers, duties, procedure and penalties for violation of the sanitary regulations of a board of health shall be construed to have been transferred to the district board of health by this act. The district board of health shall exercise such further powers and perform such other duties as are herein conferred or imposed. (108 v. Pt. 1, 241.)

Sec. 1261-31. **(Inspection of infirmaries, children's homes and other public institutions.)** The district health commissioner may make or cause to be made frequent inspection of all county infirmaries, children's homes, workhouses, jails, or other charitable, benevolent or penal institutions in the district, including physical examination

of the inmates whenever necessary, and may make or cause to be made such laboratory examinations of such inmates as may be requested by any state or county official having jurisdiction over such institution. (108 v. Pt. 2, 1090.)

NOTE: See also G. C. 2497.

Sec. 1261-32. Repealed. (119 v. 126.) (For analogous sections, see G. C. 1261-44 et seq.)

Sec. 1261-33. **(Detention hospitals for communicable diseases.)** The district board of health may establish detention hospitals for cases of communicable diseases and provide for the support and maintenance thereof. It may collect from persons committed to such hospitals the cost of the care and treatment of such persons while inmates therein. The expenses of such indigent persons as are committed to such detention hospitals shall be a proper charge against and shall be collected from the township or municipality from which such person was sent to the hospital. (108 v. Pt. 1, 242.)

Sec. 1261-34. Repealed. (108 v. Pt. 2, 1093.)

Sec. 1261-35. Repealed. (108 v. Pt. 2, 1093.)

Sec. 1261-36. **(County commissioners may furnish quarters.)** The county commissioners of any county or the council of any city may furnish suitable quarters for any board of health or health department having jurisdiction over all or a major part of such county or city in accordance with the provisions of this act. (108 v. Pt. 2, 1090.)

Sec. 1261-37. **(Prosecuting attorney to act as legal advisor.)** In general health districts the prosecuting attorney of the county constituting all or a major part of such district shall act as the legal advisor of the district board of health. In a proceeding in which the board of health of any general health district is a party the prosecuting attorney of the county in which such proceeding is instituted shall act as the legal representative of the district board of health. (108 v. Pt. 1, 243.)

Sec. 1261-38. **(Treasurer to be custodian of health fund; duty of auditor; expenses, how paid.)** The treasurer of a city which constitutes a health district shall be the custodian of the health fund of such city health district. The county treasurer of a county which constitutes all or the major portion of a general health district shall be the custodian of the health fund of that health district. The auditor of a county which constitutes all or a major portion of a general health district shall act as the auditor of the general health district.

The auditor of a city which constitutes a city health district shall act as the auditor of a city health district. Expenses of the district board of health of a general health district shall be paid on the warrant of the county auditor issued on vouchers approved by the district board of health and signed by the district health commissioner. Expenses of a board of health or health department of a city health district shall be paid on the warrant of the auditor of the city issued on vouchers approved by the board of health or health department of a city health district and signed by the city health commissioner. (108 v. Pt. 2, 1090.)

Sec. 1261-39. (**State subsidy; how determined and paid.**) When any general or city health district has been duly organized as provided by this act and has employed for whole or part time service a health commissioner, the chairman of the board of health, or the principal executive officer of the department of health as the case may be shall semi-annually, on the first day of January and of July, certify such fact to the state commissioner of health, stating the salary paid such health commissioner, and to the public health nurse and clerk, if any, during the preceding six months. If such board of health or health department has complied with the orders and regulations of the state department of health and has truly and faithfully complied with the provisions of this act, the state commissioner of health shall endorse such facts on the certificate and shall transmit the certificate to the auditor of state, who shall thereupon draw a voucher on the treasurer of state to the order of the custodian of the funds of such health district, payable out of the general revenue fund, in amount equal to one-half of the amount paid by the district board of health or health department to such health commissioner, public health nurse, and clerk, during such semi-annual period. Provided, that if the amount paid by such district board of health or health department during any six months is in excess of two thousand dollars, the amount to be paid by the auditor of state shall be one thousand dollars and no more, and no payment shall be made unless the certificate of the district board of health or health department shall have been endorsed by the state commissioner of health as herein provided. (108 v. Pt. 2, 1090.)

Sec. 1261-40. (**Annual budget; county auditor to apportion and hold funds; board of health to certify amount due from state; "district health fund;" health funds in combined districts.**) The board of health of a general health district shall annually, on or before the first Monday of April, estimate in itemized form the amounts needed for the current expenses of such district for the fiscal year beginning

on the first day of January next ensuing. Such estimate shall be certified to the county auditor and by him submitted to the budget commissioners which may reduce any item or items in such estimate but may not increase any item or the aggregate of all items. The aggregate amount as fixed by the budget commissioners shall be apportioned by the county auditor among the townships and municipalities composing the health district on the basis of taxable valuations in such townships and municipalities. The district board of health shall certify to the county auditor the amount due from the state as its share of the salaries of the district health commissioner and public health nurse and clerk, if employed, for the next fiscal year which shall be deducted from the total of such estimate before an apportionment is made. The county auditor, when making his semi-annual apportionment of funds shall retain at each such semi-annual apportionment one-half the amount so apportioned to each township and municipality. Such monies shall be placed in a separate fund, to be known as the "district health fund." When a general health district is composed of townships and municipalities in two or more counties, the county auditor making the original apportionment shall certify to the auditor of each county concerned the amount apportioned to each township and municipality in such county. Each auditor shall withhold from the semi-annual apportionment to each such township or municipality the amount so certified, and shall pay the amounts so withheld to the custodian of the funds of the health district concerned, to be credited to the district health fund. Where any general health district has been united with a city health district located therein, the mayor of the city shall annually on or before the first day of June certify to the county auditor the total amount due for the ensuing fiscal year from the municipalities and townships in the district as provided in the contract between such city and the district advisory council of the original health district. The county auditor shall thereupon apportion the amount so certified to the townships and municipalities, and withhold the sums so apportioned as herein provided. (108 v. Pt. 2, 1091.)

Sec. 1261-41. **(Emergency funds for epidemics; how raised and expended; enforced by mandamus proceedings.)** In case of epidemic or threatened epidemic or during the unusual prevalence of a dangerous communicable disease, if the moneys in the district health fund of a general health district are not sufficient, in the judgment of the board of health of such district, to defray the expenses necessary to prevent the spread of such disease, such board of health shall estimate the amount required for such purpose and apportion it among the

townships and municipalities in which the condition herein described exists, on the basis provided for in section 25 (G. C. 1261-40) of this act. Such estimate and apportionment shall be certified to the county auditor of the proper county or counties, who shall draw an order on the clerk, auditor or other similar officer of each township or municipality affected thereby, for the amount to it apportioned. Such clerk, auditor or other similar officer shall forthwith draw his warrant on the treasurer of such township or municipality for the amount of such certification, which shall be honored by the treasurer from any general treasury balances subject to his control, regardless of funds. The clerk, auditor or other similar officer shall thereupon set up an account to be designated "emergency health account," showing a deficit therein, and certify the action taken to the trustees or council or other body having the power to borrow money. Thereupon the trustees or council or other similar body may exercise the powers provided for in sections 4450 (G. C. 2293-7) and 4451 of the General Code. Tax levies made for the purpose set forth in this section shall be subject to the provisions of section 5649-4 of the General Code. Moneys raised under the authority herein conferred shall be placed in the treasury of the borrowing subdivision and credited to the "emergency health account", which shall thereupon be closed; so that the moneys taken from general cash balances shall be restored thereto and the regular funds of the subdivision shall be restored thereby.

If there is not sufficient money in the general cash balances of such subdivisions to satisfy the warrant so drawn by the clerk, auditor or other similar officer, the treasurer thereof shall honor the same to the extent of the cash in such treasury and the balance shall be certified by the clerk, auditor or other officer and the treasurer, jointly, to the trustees, council or other borrowing authority, which shall immediately exercise the powers provided for in this section, to raise the amount of the warrant. The proceeds of such action shall be paid into the general cash balance in the treasury of the subdivision, and the balance due on the warrant shall then be paid.

The warrants provided for in this section shall be drawn in favor of the county treasurer, as treasurer of the district health fund, and the proceeds shall go into such fund. A separate account shall be kept of expenditures under this section. If a greater amount is expended in any township or municipality than the amount drawn therefrom by action hereunder, the excess shall be charged against such subdivision at the next annual apportionment in addition to the amount apportionable to such subdivision under section 25 (G. C.

1261-40) of this act. If the amount drawn under this section is not wholly expended in any subdivision, the unexpended remainder shall be credited to the next annual apportionment to such subdivision.

Performance of the official duties by this section imposed on officers, boards and legislative bodies, may be enforced by mandamus on the relation of the district board of health, which is hereby given special capacity to sue in such action. In any such case the return day of the alternative writ shall not be more than three days after the filing of the petition. (108 v. Pt. 1, 245.)

Sec. 1261-42. (**Orders and regulations; how published; emergency orders and regulations.**) The board of health of a general health district may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded and certified as are ordinances of municipalities and record thereof shall be given in all courts of the state the same force and effect as is given such ordinances, but the advertisements of such orders and regulations shall be by publication in one newspaper published and of general circulation within the general health district. Publication shall be made once a week for two consecutive weeks and such orders and regulations shall take effect and be in force ten days from date of first publication. Provided, however, that in cases of emergency caused by epidemics of contagious or infectious diseases, or conditions or events endangering the public health, such boards may declare such orders and regulations to be emergency measures, and such orders and regulations shall become immediately effective without such advertising, recording and certifying. (108 v. Pt. 1, 246.)

Sec. 1261-43. (**Section or part not to be affected by invalidity of other section or part.**) In case any section or sections or part of any section or sections of this act shall be found unconstitutional, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect. (108 v. Pt. 1, 247.)

Sec. 1261-44. (**System of registration of births, deaths, and other vital statistics established; location; duties of director of health, public health council and director of public works.**) A state system of registration of births, deaths and other vital statistics is hereby established, which shall consist of a central division of vital statistics in the department of health and primary registration districts. The

central division of vital statistics shall be maintained at the capital of the state. The director of health shall have charge of such system, enforce the provisions of this act and prepare and issue instructions necessary to secure its uniform observance. The public health council of the department of health is hereby authorized to adopt such regulations as it deems necessary to insure that this state shall have a complete and accurate registration of vital statistics. No system of registration of births, deaths and other vital statistics shall be maintained in any political subdivision of the state in conflict with this act. The director of public works shall provide the division of vital statistics with suitable quarters which shall be properly equipped with fireproof vault and filing cases for the permanent preservation of all records made and received as provided by law or under regulations adopted by the public health council. (119 v. 116).

Sec. 1261-45. **(Methods, forms, blanks, etc., prescribed by director of health.)** The director of health shall prescribe methods, forms and blanks and furnish necessary postage, forms and blanks for obtaining registration of births, deaths and other vital statistics in each registration district, and for preserving the records of the central division, and no forms or blanks shall be used other than those prescribed by the director of health. (119 v. 117).

Sec. 1261-46. **(Registration districts.)** The state shall be divided into registration districts as follows: Each city, each incorporated village, and all the area of each township which is not included in an incorporated municipality, shall constitute a primary registration district, provided that the director of health may combine two or more primary registration districts, and may establish any state hospital, or other public institution, as a primary registration district. (119 v. 117).

Sec. 1261-47. **(Local registrars; deputy registrars; records, where kept.)** In villages the village clerk, and in townships the township clerk, shall be the local registrar. In cities the board of health of the city health district, on the recommendation of the health commissioner, shall appoint the local registrar. When a state hospital or other public institution has been made a primary registration district, the superintendent, or other person in charge thereof, shall be the local registrar of such district. When two or more primary registration districts have been combined into one district, the director of health shall designate the local registrar who is to act as registrar of the combined district.

With the approval of the director of health each local registrar shall appoint a deputy registrar or deputy registrars who, in case

of the absence, illness or disability of the local registrar, shall act in his stead. Acceptance of appointment as deputy registrar shall be in writing and shall be filed with the director of health. No funeral director or embalmer shall serve either as a local registrar or as a deputy registrar.

In a city registration district all the records of vital statistics shall be kept in the office of the board of health of the city health district. In a general health district all the records of vital statistics shall be kept at the office of the board of health. (119 v. 117).

Sec. 1261-48. **(Local registrar to supply forms, instructions, etc.)** The local registrar shall supply blank forms of certificates, stamped and addressed envelopes and instructions to such persons as require them, and shall require each certificate of birth, stillbirth or death, when presented for record, to be made out in accordance with law, the regulations adopted by the public health council, and the instructions of the director of health. If a certificate of birth, stillbirth or death is incomplete or unsatisfactory, the local registrar shall indicate the defects therein and withhold registering the certificate or issuing a burial permit until corrected. ((119 v. 118.)

Sec. 1261-49. **(Separate series for certificates; local record; disposition of original certificates; copy of certificate filed with probate judge; fee.)** The local registrar shall number consecutively the certificates of birth, stillbirth and death, in three separate series, beginning with "number one" for the first birth, the first stillbirth, and the first death in each calendar year, and sign his name as local registrar in attest of the date of filing in his office. He shall make a complete and accurate copy of each birth, stillbirth, and death certificate registered by him which shall be filed and permanently preserved as the local record of such birth, stillbirth, or death. On or before the fifth day of each month, the local registrar shall transmit to the health commissioner having jurisdiction of the registration district all original certificates of births, stillbirths, and deaths received by him during the preceding month. The health commissioner shall, within five days, transmit all such original certificates to the department of health. The local registrar shall immediately notify the health commissioner of the receipt of a certificate of a death from any communicable disease.

On the request of the probate judge of any county each local registrar within such county shall file with the probate court a copy of all certificates of births, stillbirths and deaths received by said local registrar. The copy of the certificate shall be made from the original certificate while in the possession of the local registrar. Upon

receipt of such copies each probate judge shall make a record thereof as he shall determine, and from which he shall issue certificates of births and deaths to any person applying therefor. For filing such copy with the probate court each local registrar shall receive semi-annually from the county treasury, upon certificate of the probate judge, the sum of ten cents for each copy so filed. (119 v. 118).

Sec. 1261-50. (**Examination of certificates; permanent index; report to adjutant general and county recorders.**) The department of health shall carefully examine the certificates received from local registrars and shall secure such further information as may be necessary to make each record complete and satisfactory. It shall arrange, bind and permanently preserve the certificates in a systematic manner and shall maintain a permanent index of all births, stillbirths, and deaths registered, which shall show the name of the child or deceased person, place and date of birth or death, number of certificate, and the volume in which it is contained. At intervals of not to exceed three months the department of health shall forward to the adjutant general of Ohio and the county recorders a summary of information concerning deceased veterans, including the name, date of birth, service, date of burial, place of burial, and location of grave. (119 v. 118).

Sec. 1261-51. (**Fees; annual certification by director of health to county treasurers.**) Each local registrar shall be entitled to a fee for each birth, stillbirth or death certificate properly and completely made out and registered with him, correctly copied and forwarded by him to the health commissioner and the department of health in accordance with the population of the primary registration district at the last federal census. The fee for each birth, stillbirth, or death certificate shall be as follows: In primary registration districts over two hundred and fifty thousand, five cents; over one hundred and twenty-five thousand and less than two hundred and fifty thousand, fifteen cents; over fifty thousand and less than one hundred and twenty-five thousand, twenty cents; less than fifty thousand, twenty-five cents. The director of health shall annually certify to the treasurers of the several counties the number of births, stillbirths and deaths registered from their respective counties with the name of the local registrars and the amounts due each at the rates fixed herein. Such amounts so certified shall be paid by the treasurer of the county in which the registration districts are located. No fees shall be charged or collected by registrars except as provided by this act. (119 v. 119).

Sec. 1261-52. (Births, where registered; contents of certificate.)

Each birth which occurs in this state shall be registered in the registration district in which it occurs. The certificate of birth shall contain such items and information as may be required by the United States bureau of the census and such additional items and information as the public health council, by regulation, may prescribe. A child born to an unwed mother shall be registered by the surname of the mother. The attending physician or midwife shall file, within ten days after every birth, with the registrar of the district a certificate of birth giving all the particulars therein required. If there be no physician or midwife in attendance, the father or mother of the child, the householder, or the manager or superintendent of the public or private institution in which the birth occurred, shall immediately notify the local registrar of such birth having occurred. The local registrar shall within ten days secure such information from competent informants which will enable him to file a birth certificate as herein provided. Birth certificates shall not be deemed invalid because of delayed filing. (119 v. 119).

Sec. 1261-52a. (Legitimation of illegitimate child, when; new certificate of birth; original certificate not public record.) When an illegitimate child has become a legitimate child, according to law, by the intermarriage of such mother with the natural father of the child and his acknowledgment of the child as his child, and documentary evidence of such facts is submitted to the department of health in such form as the department may require, a new birth certificate shall be issued by the department which shall be the same as the certificate which would have been issued hereunder if such marriage had occurred before the birth of such child. The original certificate of birth shall cease to be a public record and shall be subject to inspection only upon court order. (120 v. S. 153. Eff. September 16, 1943).

Sec. 1261-53. (Birth certificate for foundling child.) Whoever finds a living infant of unknown parentage shall immediately report such finding to the local registrar of the registration district in which the child is found, on a prescribed form which shall state: (a) Date of finding; (b) place of finding; (c) sex of child; (d) color or race of the child; (e) approximate age of the child; and (f) name and address of the person or institution with whom the child has been placed for care. The place where the child was found shall be known as the place of birth, and the date of birth shall be determined by approximation.

The person, superintendent, or manager of the institution, with

whom a foundling child is placed for care, shall give such child a name within ten days and shall promptly report the name given to the local registrar of the registration district in which the child was found. The foundling report shall constitute the certificate of birth for such foundling child and the provisions of this act relating to certificates of birth shall apply in the same manner and with the same effect to such report. If a foundling child shall later be identified and a regular certificate of birth be found or obtained the foundling report shall be attached to the certificate of birth by the department of health. (119 v. 119).

Sec. 1261-54. **(Supplemental report for given name.)** When a certificate of birth of a living child is presented without a given name, the local registrar shall make out and deliver to the parent of the child a blank for the supplemental report of such given name, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named. If the supplemental report is not returned within a reasonable time, the local registrar shall investigate the cause of delay. (119 v. 120).

Sec. 1261-55. **(Decree of adoption; decree and certificate not open to inspection.)** A certified copy of each decree of adoption shall be sent by the court having jurisdiction to the department of health. Such decree of adoption shall be accompanied by a certified copy of the original certificate of birth of the child adopted. The decree of adoption and the certified copy of the certificate of birth shall be properly indexed and filed by the department of health and shall not be open to inspection or be copied except upon request of the adopting parents, the adopted child, or upon order of a court of competent jurisdiction. A certification of birth containing the name, by adoption, sex, color, date of birth and place of birth of the child shall be issued upon request. When such certification of birth is properly authenticated by a person authorized to issue the same, it shall be prima facie evidence in all courts and places of the facts herein stated. A fee of twenty-five cents shall accompany each application for a certification of birth. (119 v. 120).

Sec. 1261-56. **(Certificate to be recorded in district where mother has legal residence; monthly report by director of health.)** When a woman who is a legal resident of this state has given birth to a child outside the state, the birth of such child may be recorded in the registration district where she has a legal residence by filing with the local registrar a certified copy of the certificate of birth of record where the child was born. Where the birth occurred in a foreign country, the certified copy of the certificate of birth shall be

attested by a United States consul. If the birth occurred in a state or territory of the United States, or in a foreign country, not provided with a system of registration of vital statistics, a birth certificate may be filed in the department of health on evidence satisfactory to the director of health.

Where a birth occurs outside of the county of the residence of the mother and where a death occurs outside of the county of the residence of the deceased, the director of health shall transmit within thirty days after the close of each month a copy of the record of such birth or death to the health commissioner of the county of residence of the mother or of the deceased, as the case may be. (119 v. 120).

Sec. 1261-57. **(Registration of unrecorded birth; correction of birth record.)** Whoever claims to have been born in the state of Ohio and whose registration of birth is not recorded, or has been lost or destroyed, or has not been properly and accurately recorded, may file an application for registration of his birth, or correction of his birth record, in the probate court of the county of his birth, the county of his residence, or the county in which his mother resided at the time of his birth.

(a) An application to correct a birth record shall set forth all of the available facts required on a certificate of birth and the reasons for making said application, and shall be duly verified by the applicant. Upon the filing of such application the court, in its discretion, may fix a date for hearing thereon which date shall not be less than seven days after the filing date. The court in its discretion may require one publication of notice of the hearing in a newspaper of general circulation in the county at least seven days prior to the date of the hearing. Said application shall be supported by the affidavit of the physician in attendance, if available; if such affidavit is not available the application shall be supported by the affidavits of at least two persons having knowledge of the facts stated therein, or by documentary evidence, or such other evidence as the court may deem sufficient. If the probate judge is satisfied that the facts are as stated, he shall make an order correcting such birth record. If the birth of the applicant is incorrectly recorded in an office other than the probate court in which the application is filed, the probate judge shall transmit a certified copy of the order to such office, where it shall be filed and recorded in the same manner as other birth records; a cross-reference shall be made on the original and on the corrected record.

(b) An application of a person whose registration of birth is not recorded, or has been lost or destroyed, must comply with all of

the requirements of subdivision (a) of this section. Upon the filing of such application the court, in its discretion, may fix a date for hearing thereon which date shall not be less than seven days after the filing date. The court in its discretion may require one publication of notice of the hearing in a newspaper of general circulation in the county at least seven days prior to the date of the hearing. The probate judge, or a special master commissioner, shall personally examine the applicant in open court and shall take sworn testimony on said application which shall include the testimony of at least two credible witnesses, or clear and convincing documentary evidence. The probate court may conduct such investigation as it deems necessary, and shall permit the applicant and all witnesses presented to be cross examined by any interested person, or by the prosecuting attorney of the county. When a witness or the applicant is unable to appear in open court, the court may authorize the taking of his deposition as provided by law. The court in its discretion may cause a complete record to be taken of the hearing, and shall file the same with the other papers in the case, and in its discretion may order the transcript of the testimony to be filed and made a matter of record in said court. Upon being satisfied that notice of the hearing on said application has been given by publication as hereinabove set forth, if required, and upon being convinced that the claim of the applicant is true, the court shall make a finding upon all the facts required on a certificate of birth, and shall order the registration of the birth of said applicant. The court shall forthwith transmit to the state director of health a summary duly certified of the finding and order of the court, on a form prescribed by the state director of health, who shall file it in the records of the central division.

(c) The state director of health may forward a copy of the order of the court correcting a birth record on file in his office, or a copy of such summary for the registration of a birth in his office, to the appropriate local registrar.

A certified copy of the birth record so corrected or registered by court order as provided herein, shall have the same legal effect for all purposes as a certificate of an original birth record.

The application, affidavits, findings and orders of the court, together with a transcript of the testimony if ordered by the court, for the correction of a birth record or for the registration of a birth, shall be recorded in a book kept for that purpose and shall be properly indexed; such book shall become a part of the records of the probate court.

An application to correct a birth record shall be accompanied by a filing fee of \$2.00, and an application for registration of a birth

shall be accompanied by a filing fee of \$3.00. All costs in connection with such applications and any hearings thereon shall be assessed against the applicant. (119 v. 121.)

Sec. 1261-58. (**Certificate of stillbirth; burial permit; "stillbirth" defined.**) A stillborn child, or one dead at birth, shall be registered on a standard certificate of stillbirth. The certificate of stillbirth shall contain such items and information as may be required by the United States bureau of the census and such additional items and information as the public health council by regulation may prescribe. A stillbirth which occurs in Ohio shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of until a burial permit shall have been issued by the local registrar of the registration district in which the stillbirth occurs, or the body is found. For the purposes of this act a stillbirth is an infant of at least four and one-half months of uterogestation whose sex can be determined, which after complete expulsion does not give evidence of heart action, breathing, or movement of voluntary muscles. The department of health and the local registrar shall keep a separate record, file, and index of certificates of stillbirth. (119 v. 122.)

Sec. 1261-59. (**Burial permit.**) The body of a person whose death occurs in Ohio shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, until a burial permit shall have been issued by the local registrar of the registration district in which the death occurs. No such burial permit shall be issued by the local registrar until a satisfactory certificate of death or stillbirth has been filed with him. Provided, however, in cases where death has occurred from a communicable disease, the body shall not be removed until written permission has been secured from the health commissioner of the health district in which the death occurred. In cases where death has resulted from violence or external cause the body shall not be removed without the consent of the coroner. A body removed from this state shall be accompanied by a burial and transit permit issued in accordance with this act. (119 v. 123.)

Sec. 1261-60. (**Burial or removal permit and transit permit.**) When a death occurs outside the state and the body is transported into a registration district in this state for burial or other disposition, the body must be accompanied by a burial or removal permit and a transit permit issued in accordance with the laws and health regulations of the place where death occurred. The local registrar shall issue a burial permit as provided for in this act, and when this burial permit is returned to the local registrar by the sexton or other person in charge of any premises in which the interment or other disposition

is made, it shall be filed with the burial or removal permit and transit permit which accompanied the body. (119 v. 123.)

Sec. 1261-61. **(Certificate of death.)** The certificate of death shall contain such items and information as may be required by the United States Bureau of the census, such additional items and information as the public health council, by regulation, may prescribe, including a statement of the service, if any, of the deceased in the armed services of the United States, the date of entry into service, the date of honorable discharge from such service, and information to show the name and location of the cemetery where the deceased was buried, and the location, lot and grave number pertaining thereto. If the body is to be disposed of in any other manner than by burial, such manner and place shall be stated. (119 v. 123.)

Sec. 1261-62. **(Statement of facts, certificates, etc., by whom signed.)** The personal and statistical particulars in the certificate of death or stillbirth shall be signed by the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body and information relative to the armed services referred to in the preceding section shall be signed by the funeral director. The medical certificate of death shall be made and signed by the physician who attended the deceased or by the coroner. If there is reason to believe that the death was caused by unlawful or suspicious means the funeral director shall refer the case to the coroner who shall hold an inquest as provided by law on the body of the deceased person and make the medical certificate of death or stillbirth required for a burial permit. (119 v. 123.)

Sec. 1261-63. **(Burial permit required; endorsement on permit; record to be kept by sexton.)** No sexton, or person in charge of any premises in which interments or cremations are made shall inter or cremate, or permit the interment, cremation, or other disposition of a body, unless it is accompanied by a burial permit, as herein provided. Each sexton, or person in charge of a cemetery, crematory, or other place of disposal, shall indorse upon the burial permit the date of interment, cremation, or other disposal and sign his name thereto. All burial permits so indorsed shall be returned to the local registrar issuing the same, within ten days from the date of interment, or other disposal. The sexton, or person in charge, shall keep an accurate record of all internments, cremations, or other disposal of dead bodies, made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection. (119 v. 124.)

Sec. 1261-64. **(Certificates to be printed or typewritten.)** All certificates, either of birth, stillbirth or death, shall be printed legibly or typewritten, in unfading ink, and signed. A signature required on a birth, stillbirth or death certificate shall be written by the person required to sign. A facsimile signature shall not be used. (119 v. 124.)

Sec. 1261-65. **(Amended certificates.)** Whenever it is alleged that the facts stated in any certificate of birth, stillbirth or death filed in the department of health are not true, the director of health shall require satisfactory evidence to be presented in the form of affidavits or otherwise as he may deem necessary to establish the alleged facts. When so established, the original record shall be supplemented by attaching thereto the amended certificate.

The amended certificate of birth and stillbirth shall be signed by the person who made the original report, or by either of the parents of the child, or shall be established by the sworn statement of any other person having personal knowledge of the matters sought to be corrected.

The amended certificate of death shall be signed by the physician or coroner, funeral director and informants whose names appear on the original certificate or shall be established by the sworn statement of any other person having personal knowledge of the matters sought to be corrected. Funeral directors and informants shall not have authority to correct or amend the causes or duration of causes of death. The director of health may refuse to accept an amended certificate which appears to be submitted for the purpose of falsifying the record. A certified copy issued by the department of health shall show the information as originally given and the corrected data. (119 v. 124.)

Sec. 1261-66. **(Certified copy of original certificate; fee; certification of birth; fee; certificates, etc., issued without charge, when.)**

The director of health, or person authorized by him, shall upon request and upon the payment of a fee of fifty cents supply to any applicant a certified copy of the original certificate of any birth, death, or stillbirth, registered according to law. Unless a certified copy of an original certificate of birth is specifically requested, the director of health or person authorized by him, or any local registrar of vital statistics, or local commissioner of health, or the probate judge, shall upon request and upon the payment of a fee of twenty-five cents, issue a certification of birth which shall contain only the name, sex, color, date of birth and place of birth of the person to whom it relates and further shall attest the fact that such person's birth has been registered according to law. Such certification of

birth shall be prima facie evidence in all courts and places of the facts therein stated. For a search of the files and records when no certified copy is made, or certification of birth issued, the director of health, or person authorized to act for him, shall receive a fee of fifty cents from the applicant for each hour or fractional part of an hour required for such search. The United States bureau of the census, the United States social security board, and other federal agencies may obtain, without expense to the state, transcripts of, or information from, birth, stillbirth and death certificates without payment of fees herein prescribed. The director of health shall keep a correct account of all fees received by the department of health under the provisions of this act and shall pay the same into the state treasury as provided by law.

The local registrar shall, upon request, supply to any applicant an exact copy of any record of birth, death, or stillbirth, which he may have in his possession, for which he may receive a fee of fifty cents from the applicant. Provided, however, that where the local registrar is a regular salaried employee of a city health district, said fee shall go to the general fund of the city. (119 v. 125.)

Sec. 1261-66a. (**Transcripts of certificates.**) The industrial commission of Ohio may obtain without cost to the state, transcripts of, or information from, birth and death certificates without payment of the fees herein prescribed. (119 v. 565.)

Sec. 1261-67. (**Removal of local or deputy registrar; appeal; appointment.**) A local registrar or deputy registrar who fails to discharge the duties of his office shall forthwith be removed from his office by the director of health. Any person so removed shall have the right to appeal to the public health council. When a township clerk or village clerk is removed from the office of local registrar, the director of health may appoint a person to serve as local registrar for the balance of the term of office of said clerk. (119 v. 125.)

Sec. 1261-68. (**Violation of provisions, regulations, etc.; penalty.**) Whoever violates any provision of this act or any regulation adopted by the public health council under authority granted therein, or fails, neglects or refuses to do and perform any duty required of him, or shall wilfully and knowingly make a false statement in a certificate, report or statement required by this act, or shall wilfully alter any such certificate except in the manner provided in this act, or shall refuse to furnish any information in his possession, or shall wilfully furnish false information, or fail or refuse to comply with any instructions of the director of health with respect to the registration of vital statistics, shall be fined not less than five dollars nor

more than one hundred dollars or imprisoned for a period of not to exceed ninety days, or both. The penalties herein provided shall be in addition to those provided in section 12842 of the General Code of Ohio. (119 v. 125.)

Sec. 1335-7. (**Board may refuse to grant, may suspend or revoke license, when; notice; hearing; penalty for violation.**) The board may refuse to grant, may suspend, or may revoke any license granted to a person in accordance with the provisions of the administrative procedure act and for any of the following reasons:

(a) If the applicant therefor or holder thereof obtained said license by fraud or misrepresentation either in the application for said license or in passing the examination therefor;

(b) If the applicant therefor or holder thereof has been convicted of a felony or crime involving moral turpitude;

(c) If the applicant therefor or holder thereof has been guilty of wilfully violating any section of this act or any rule or regulation of the state, district, or local board of health governing the disposition of dead human bodies;

(d) If the applicant therefor or holder thereof has been guilty of immoral or unprofessional conduct;

(e) If the applicant therefor or holder thereof knowingly permits an unlicensed person to engage in the profession or business of embalming or funeral directing under his supervision;

(f) If the applicant therefor or holder thereof has been guilty of habitual drunkenness or is addicted to the use of morphine, cocaine or other habit forming drugs;

(g) If the applicant therefor or holder thereof has been guilty of refusing to promptly submit the custody of a dead human body upon the expressed order of the person legally entitled to such body;

(h) The loaning, borrowing or using the license of another or the knowingly aiding or abetting in any way the granting of an improper license.

No person shall engage in the profession or business of embalming or funeral directing as defined in this act unless he is duly licensed as an embalmer or funeral director within the meaning of this act, and any person who shall engage in either business or profession or both without having first complied with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined not less than fifty (\$50.00) dollars nor more than two hundred and fifty (\$250.00) dollars. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 1344. (**License necessary to practice embalming; penalty**

for violation of law.) No person shall embalm, either by arterial or cavity treatment or prepare for burial, cremation or transportation any dead human body unless he or she is a duly licensed embalmer within the meaning of this chapter. Any person who shall practice in this state the science of embalming, either by arterial or cavity treatment of any dead human body, or prepare for burial, cremation or transportation any dead human body, without having complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than forty dollars nor more than seventy-five dollars for the first offense, and for the second and each repeated offense shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned for six months or both, at the discretion of the court. All such fines shall be paid into the common school fund. (107 v. 659.)

Sec. 1359-33a. **(Health services for dependent children.)** Subject to the regulations of the state department of public welfare, the county administration shall have the power to provide the necessary medical, surgical, dental, optical or mental examination and corrective or preventive treatment for any family receiving aid under this act.

The county administration for aid to dependent children may include in the annual budget an estimate of the health needs of the persons eligible for assistance. The compensation of the persons performing the health services herein indicated and other expenses incident to such examinations and treatments shall be paid by the county treasurer upon the warrant of the county auditor from the special funds set aside for aid to dependent children. (119 v. 665.)

Sec. 1465-53. **(Classification of occupations or industries.)** The industrial commission of Ohio shall classify occupations or industries with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premium of the risks of the same, based upon the total payroll in each of said classes of occupation or industry sufficiently large to provide an adequate fund for the compensation provided for in this act, and to maintain a state insurance fund from year to year, provided, however, that where the payroll cannot be obtained or, in the opinion of the commission, is not an adequate measure for determining the premium to be paid for the degree of hazard, the commission may determine the rates of premium upon such other basis, consistent with insurance principles, as shall be equitable in view of the degree of hazard, and whenever in this sub-chapter reference is made to payroll or expenditure of wages with reference to fixing premiums such reference shall

be construed to have been made also to such other basis for fixing the rates of premium as the commission may in the foregoing instances determine. (120 v. S. 159. Eff. June 15, 1943.)

Sec. 1465-53a. **(Rates of premium; rating system.)** The industrial commission of Ohio shall classify occupations or industries with respect to their degree of hazard and determine the risks of the different classes and fix the rates of premium of the risks of the same based upon the total payroll in each of said classes of occupation and industry which rates shall in the case of each classification produce a premium of at least two cents per hundred dollars of the aggregate payroll of each such classification and the total premium so produced from all occupations and industries shall be no greater than an amount sufficient to provide an adequate fund for the compensation provided by law on account of occupational disease, and maintain a state occupational disease fund from year to year.

The industrial commission of Ohio shall have the power to apply that form of rating system which, in its judgment, is best calculated to merit or individually rate the risk most equitably, predicated upon the basis of its individual occupational disease experience after January 1, 1942, and to encourage and stimulate the prevention of occupational diseases; shall develop fixed and equitable rules controlling the same, which rules, however, shall conserve to each risk the basic principles of workmen's compensation insurance, (119 v. 565.)

Sec. 1465-68a. **(Compensation of disabled employees or dependents; compensable occupational diseases; schedule; silicosis referees.)** Every employe who is disabled because of the contraction of an occupational disease as herein defined, or the dependent of an employe whose death is caused by an occupational disease as herein defined, shall be entitled to the compensation provided by sections 1465-78 to 1465-82, inclusive, and section 1465-89 of the General Code, subject to the modifications hereinafter mentioned.

The following diseases shall be considered occupational diseases and compensable as such, when contracted by an employe in the course of his employment in which such employe was engaged at any time within twelve months previous to the date of his disablement and due to the nature of any process described herein.

SCHEDULE

<i>Description of disease or injury</i>	<i>Description of process</i>
1. Anthrax	Handling of wool, hair, bristles, hides and skins.
2. Glanders	Care of any equine animal suffering from glanders; handling carcass of such animal.
3. Lead poisoning	Any industrial process involving the use of lead or its preparation or compounds.
4. Mercury poisoning	Any industrial process involving the use of mercury or its preparation or compounds.
5. Phosphorus poisoning	Any industrial process involving the use of phosphorus or its preparations or compounds.
6. Arsenic poisoning	Any industrial process involving the use of arsenic or its preparations or compounds.
7. Poisoning by benzol or by nitro and amido-derivatives of benzol (dinitrobenzol, anilin and others)	Any industrial process involving the use of benzol or nitro- or amido-derivative of benzol or its preparations or compounds.
8. Poisoning by gasoline, benzine, naphtha, or other volatile petroleum products	Any industrial process involving the use of gasoline, benzine, naphtha, or other volatile petroleum products.
9. Poisoning by carbon bisulphide.....	Any industrial process involving the use of carbon bisulphide or its preparations or compounds.
10. Poisoning by wood alcohol	Any industrial process involving the use of wood alcohol or its preparations.
11. Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases or vapors.....	Any industrial process involving the handling or use of oils, cutting compounds or lubricants, or involving contact with dust, liquids, fumes, gases or vapors.
12. Epithelioma cancer or ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar or tarry compounds.....	Handling or industrial use of carbon, pitch or tarry compounds.

<i>Description of disease or injury</i>	<i>Description of process</i>
13. Compressed air illness.....	Any industrial process carried on in compressed air.
14. Carbon dioxide poisoning.....	Any process involving the evolution or resulting in the escape of carbon dioxide.
15. Brass or zinc poisoning.....	Any process involving the manufacture, founding or refining of brass or the melting or smelting of zinc.
16. Manganese dioxide poisoning.....	Any process involving the grinding or milling of manganese dioxide or the escape of manganese dioxide dust.
17. Radium poisoning.....	Any industrial process involving the use of radium and other radio active substances, in luminous paint.
18. Tenosynovitis and prepatellar bursitis	Primary tenosynovitis characterized by a passive effusion or crepitus into the tendon sheath of the flexor or extensor muscles of the hand, due to frequently repetitive motions or vibrations, or prepatellar bursitis due to continued pressure.
19. Chrome ulceration of the skin or nasal passages.....	Any industrial process involving the use of or direct contact with chromic acid or bichromates of ammonium, potassium or sodium or their preparations.
20. Potassium cyanide poisoning.....	Any industrial process involving the use of or direct contact with potassium cyanide.
21. Sulphur dioxide poisoning.....	Any industrial process in which sulphur dioxide gas is evolved by the expansion of liquid sulphur dioxide.
22. Silicosis	(Silicosis shall mean a disease of the lungs caused by breathing silica dust (silicon dioxide) producing fibrous nodules, distributed through the lungs and demonstrated by x-ray examination or by autopsy.)

Nothing in this act shall entitle an employe or his dependents to compensation, medical treatment, or payment of funeral expenses for disability or death from silicosis, unless the employe has been subject to injurious exposure to silica dust (silicon dioxide) in his employment in Ohio preceding his disablement, for periods amounting in all to at least three years, some portion of which shall have been after the effective date of this act, except as provided in the last paragraph of section 1465-80, General Code.

Compensation, medical, hospital and nursing expenses on account

of silicosis shall be payable only in the event of temporary total disability, permanent total disability, or death, in accordance with the provisions of sections 1465-79, 1465-81 and 1465-82 of the General Code, and only in the event of such disability or death resulting within two years after the last injurious exposure; provided that in the event of death following continuous total disability commencing within two years after the last injurious exposure, the requirement of death within two years after the last injurious exposure shall not apply.

Claims for compensation on account of silicosis shall be forever barred unless application shall have been made to the industrial commission within one year after total disability began or within six months after death.

Nothing in this act shall entitle an employee or his dependents to compensation, medical, hospital and nursing expenses or payment of funeral expenses for disability or death due to silicosis in the event of the failure or omission on the part of the employe truthfully to state, when seeking employment, the place, duration and nature of previous employment in answer to an inquiry made by the employer.

The industrial commission shall appoint three referees to be known as "silicosis referees" who shall be licensed physicians in good professional standing who have by special duty, or experience, or both, acquired special knowledge of pulmonary diseases and at least one of said physicians shall be a roentgenologist. Before awarding compensation for disability or death due to silicosis, the industrial commission shall refer the claim to the silicosis referees for examination and recommendation with regard to the diagnosis, the extent of disability and other medical questions connected with the claim. An employe shall submit to such examinations, including clinical and x-ray examinations, as the commission may require. The commission may designate a duly licensed physician, a pathologist, or such other specialists as may be deemed necessary, to make an autopsy examination and tests to determine the cause of death and certify written findings to the silicosis referees. In the event that an employe refuses to submit to examinations, including clinical and x-ray examinations, after notice from the commission, or in the event that a claimant for compensation for death due to silicosis fails to produce necessary consents and permits, after notice from the commission, so that such autopsy examination and tests may be performed, then all rights for compensation shall thereupon be forfeited. The reasonable compensation of said silicosis referees and of such specialists and the expenses of examinations and tests shall be paid, if the claim

is allowed, as part of the expenses of the claim, and otherwise from the surplus fund.

23. All other occupational diseases..... (A disease peculiar to a particular industrial process, trade or occupation and to which an employe is not ordinarily subjected or exposed outside of or away from his employment.)

All conditions, restrictions, limitations and other provisions of this section, with reference to the payment of compensation or benefits on account of silicosis, shall be applicable to the payment of compensation or benefits on account of any other occupational disease of the respiratory tract resulting from injurious exposure to dusts. (120 v. S. 159. Eff. June 15, 1943.)

Sec. 1465-68d. **(Medical boards of review; physicians, how selected; powers; fees and expenses; application for review; finding.)**
The dean of the medical school of Ohio state university, the director of the department of health and the industrial commission are hereby constituted as an appointing body and empowered to select and establish a list of licensed physicians in good professional standing, who may or may not be residents of the state of Ohio, whom said appointing body shall find to have acquired expert knowledge of occupational diseases by training and experience and to be sufficient in number for the discharge of the duties hereinafter provided. In the actions of said appointing body the industrial commission shall have one vote and said dean and said director shall each have one vote. Said appointing body shall certify to the industrial commission the names of the persons selected for registration on said list of physicians, from which list shall be selected physicians to serve on the medical boards of review as provided in this section; and the commission shall thereupon notify such persons of their appointments and upon their respective acceptance of such appointments such appointees shall be registered on said list of physicians.

In the exercise of their duties, the members of the medical boards of review as herein provided shall have all of the powers accorded to referees by section 1465-47a and may require performance of all things which may be required by the provisions of this section. The fees to be paid to a member of the medical board of review and the expenses which shall be allowed to them shall be such as may be provided by the industrial commission and approved by the aforesaid appointing body. The fees of the members of the medical board of review shall be paid from the occupational disease fund. The costs and expenses incurred in the performance of any duty of the medical

board of review or any member thereof in respect of any claim shall be paid as a part of the expense of the claim if the claim is allowed and otherwise from the general occupational disease fund.

Any claimant who is not satisfied with the order of the industrial commission in an occupational disease claim may file an application for review within thirty days after receiving notice of said order. Upon the filing of such application for review, the aforesaid appointing body shall select three physicians from said list of physicians and such three physicians shall constitute a medical board of review to hear and pass upon the medical questions involved in said claim, and if a majority of such board shall find in favor of the claimant on the medical questions, such findings shall be binding upon the industrial commission.

In case an application for review is filed in a claim which has not been referred to the silicosis referees and which is based upon the alleged contracting of silicosis or any other occupational disease of the respiratory tract resulting from injurious exposure to dust, the industrial commission shall refer the claim to such referees and their recommendation shall be transmitted to the medical board of review. (119 v. 568.)

Sec. 1465-72a. **(Claims barred after two years; notice posted by employers.)** In all cases of injury or death, claims for compensation shall be forever barred, unless, within two years after the injury or death, written application shall have been made to the industrial commission of Ohio or, in the event the employer has elected to pay compensation direct written notice of injury shall have been given to the industrial commission or compensation shall have been paid under sections 1465-79, 1465-80, 1465-81 within two years after the injury or written notice of death shall have been given to the industrial commission or benefits shall have been paid under section 1465-82 within two years after the death.

The industrial commission of Ohio shall provide printed notices quoting in full the last preceding paragraph and each and every employer who is authorized to pay compensation direct to injured employees or dependents of killed employees shall be required to post and maintain at all times one or more of such notices in conspicuous places in the workshop or places of employment. (119 v. 569.)

Sec. 1465-72b. **(Claims for compensation in cases of occupational diseases.)** In all cases of occupational disease, or death resulting from occupational disease, claims for compensation shall be forever barred, unless, within four months after the disability due to the disease began, or within six months after death occurred, appli-

cation shall be made to the industrial commission of Ohio, or to the employer in the event such employer has elected to pay compensation direct, except in such cases as are provided for in section 1465-82, subdivision 4, General Code. (117 v. 475.)

Sec. 1465-89a. (**Employment of superintendent, experts, engineers, and other employes; payment of salaries of superintendent and other employes; how provided; annual report; superintendent; qualifications.**) The industrial commission of Ohio having, by virtue of the provisions of section 35 of article II of the constitution of Ohio, the expenditure of the fund therein created for the investigation and prevention of industrial accidents and diseases, shall, in the exercise of such authority and in the performance of such duty, employ a superintendent and such experts, engineers, investigators, clerks and stenographers as, in its opinion, may be deemed necessary and proper for the efficient operation of a bureau for the prevention of industrial accidents and diseases, hereby created, and, subject to the approval of the governor, fix the schedule of compensation for such employes.

The commission shall set aside such portion of the contributions paid by employers, not to exceed one per centum thereof in any year, as in its judgment may be necessary for the payment of the salaries of such superintendent and the compensation of the other employes of such bureau, and the expenses of such investigations and researches for the prevention of industrial accidents and diseases, as the commission shall deem proper. The superintendent, under the direction of the commission, shall conduct investigations and researches for the prevention of industrial accidents and diseases, and shall, from time to time, print and distribute such information as may be of benefit to employers and employes. The salary of the superintendent and the compensation of the other employes of such bureau, the expenses necessary or incidental to such investigations and researches for the prevention of industrial accidents and diseases, and the cost of printing and distributing such information, shall be paid by the commission from such prevention fund.

The superintendent, under the direction of the commission, shall prepare an annual report, addressed to the governor, of the expenditure of such fund, the purposes for which such expenditures have been made, and the results of such investigations and researches.

The superintendent of the bureau for the prevention of industrial accidents and diseases shall be a competent person with at least five years' experience in industrial accident or disease prevention work. Such superintendent and experts and technical assistants in such

bureau, who are designated as such by the industrial commission at the time of their employment, shall be in the unclassified civil service of the state, and shall hold office during the pleasure of the commission.

The powers and duties herein devolved and imposed upon the industrial commission shall be exercised independently and without regard to the department of industrial relations. (111 v. 218.)

Sec. 1465-99a. (Report by physician to commission within 48 hours.) Every physician in this state attending on or called in to visit a patient whom he believes to be suffering from an occupational disease as defined in this act shall, within forty-eight hours from the time of making such diagnosis, send to the industrial commission of Ohio a report stating: (a) name, address and occupation of patient; (b) name and address of business in which employed; (c) nature of disease; (d) name and address of employer of patient; (e) such other information as may be reasonably required by the industrial commission of Ohio.

(Blank forms for report.) The reports herein required shall be made on blanks to be furnished by the industrial commission of Ohio. The mailing of the report within the time stated in a stamped envelope addressed to the office of the industrial commission of Ohio shall be a compliance with this section.

Reports made under this section shall not be evidence of the facts therein stated in any action arising out of a disease therein reported.

(Copy of report sent to employer.) It shall be the duty of the industrial commission of Ohio within twenty-four hours after the receipt of such report to send a copy thereof to the employer of the patient named in the report.

(Penalty for neglect or failure of physician to make report.) Whoever being a physician practicing in the state of Ohio neglects or refuses to make and transmit to the industrial commission of Ohio the report provided for in this section shall be fined not to exceed one hundred dollars or imprisoned for not to exceed ninety days, or both, but no person shall be imprisoned under this section for a first offense, and the prosecution shall always be as and for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense. The industrial commission of Ohio is directed to enforce the penal provisions of this section. (109 v. 187.)

Sec. 1465-100. (Attorney general or prosecuting attorney shall institute and prosecute actions and defend suits against the board.)

Upon the request of the board, the attorney general, or under his direction, the prosecuting attorney of any county shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act, or for the recovery of any money due the state insurance fund, or any penalty herein provided for, arising within the county in which he was elected, and shall defend in like manner all suits, actions or proceedings brought against the board or the members thereof in their official capacity. (103 v. 91.)

Sec. 1815-13. (**Support of patients at state sanatorium; investigation by department of public welfare.**) It shall be the duty of the department of public welfare to make collections for the support of patients at the Ohio state sanatorium. When the superintendent of the Ohio state sanatorium shall report to the department of public welfare that an applicant for admission to or an inmate of that institution or any person legally responsible for his support is not financially able to pay the minimum amount fixed by section 2068 of the General Code, it shall be the duty of the department of public welfare by its authorized agents to make a thorough investigation as is provided by law for such investigations in other institutions. (120 v. H. 383. Eff. August 25, 1943.)

Sec. 1815-14. (**Department of public welfare to determine what part, if any, of expense to be paid by patient; county expense paid from poor fund.**) If after the investigation provided in the next preceding section it shall be found that an applicant for admission to or inmate of the Ohio state sanatorium or any person legally responsible for his support is unable to pay the minimum amount fixed by law, said department of public welfare shall determine what amount, if any, said applicant or inmate or any person legally responsible for his support shall pay. The difference between the amount so determined and the minimum amount fixed by section 2068 of the General Code shall be paid by the county in which said applicant or patient has a legal residence. The amount so determined to be paid by the county shall be paid from the poor fund on the order of the county commissioners. (120 v. H. 383. Eff. August 25, 1943.)

Sec. 1815-15. (**Support of patients.**) No county that is maintaining a county tuberculosis hospital or has joined in the erection or maintenance of a district tuberculosis hospital or has contracted with the proper authorities of a county, district or municipal tuberculosis hospital for the care and treatment of residents of that county suffering from tuberculosis shall be compelled to support patients in the Ohio state sanatorium, but the county commissioners of any such

county may agree to support or aid in the support of a resident of that county in the Ohio state sanatorium. (106 v. 559.)

Sec. 1816. (**State sanatorium to pay expense, when; certified to county auditor for payment.**) In case of failure of patients of the Ohio state sanatorium or their responsible relatives or guardian to pay incidental expenses, or furnish necessary clothing, which expense is not included in the sanatorium fee prescribed by section 2068 of the General Code, the chief clerk or other financial officer of the institution may pay such expenses, and furnish the requisite clothing, and pay therefor from the appropriation for the current expenses of the institution, keeping and reporting a separate account thereof. The account so drawn signed by such officer, countersigned by the superintendent shall be forwarded by such officer to the auditor of the county, from which the person came; and such auditor shall issue his warrant, payable to the treasurer of state for the amount of such bill. (120 v. H. 383. Eff. August 25, 1943.)

Sec. 1841. (**Admission and discharge of patients.** The board shall have power to regulate the admission and discharge of the pupils and inmates in said several institutions, as provided by law. Provided, that subject to the approval of the Ohio board of administration, the admission and discharge of patients in the Ohio state sanatorium shall be governed by rules and regulations adopted by the state board of health. (106 v. 558.)

Sec. 1850. (**Cooperation of department and institutions in making tests.**) The secretary of agriculture, the state board of health, and the Ohio State University respectively, shall co-operate with the board and managing officer of each institution in making such co-operative tests as are necessary to determine the quality, strength and purity of supplies, of the value and use of farm lands, or condition and needs of mechanical equipment. (107 v. 490.)

Sec. 1890-20. (**License required for private hospitals, etc.; license granted, when; revocation of license; notice; hearing.**) Except as otherwise provided, no hospital, home or institution, privately owned or operated, will be permitted to receive for care or treatment either at public or private expense, any person who is or appears to be mentally ill whether or not so adjudicated unless such private hospital, home or institution shall have received a license from the division of mental diseases authorizing such private institution to receive for care or treatment persons who are mentally ill.

The division may annually license a private hospital, home or institution, established or used for the care or treatment of persons

mentally ill. No such license shall be granted to a hospital, home or institution for the treatment of the mentally ill unless the division is satisfied, after investigation, that such hospital, home or institution used for the treatment of the mentally ill has on its staff a duly qualified physician, who is responsible for the medical care of the patients confined therein. Such physician shall have had at least three years practical experience in the treatment of persons mentally ill, and his standing, character and professional knowledge shall meet the standards prescribed by the division. No license shall be granted to any private hospital, home or institution established or used for the care of persons mentally ill unless such hospital, home or institution shall have met the standards fixed by the division of mental diseases. Licenses granted hereunder shall be for one year from date of issue, but may be renewed. The division may fix reasonable fees for said license and for renewals thereof. Such institutions, homes or hospitals, licensed hereunder shall be subject to inspection, and visitation by said division at any time.

It is the intent and purpose of this section to require all private homes, hospitals or institutions attempting to or giving care or treatment to the mentally ill, to have a license therefor from the division of mental diseases whether the patient is in such private place at either public or private expense.

Except as otherwise provided in this chapter, neither the commissioner, an employee of the division, the probate judge, nor any other public official shall commit to or place any mentally ill person in any private hospital, home or institution for either care or treatment, that is not licensed in accordance with this section.

Any license issued by the division as provided in this section may be revoked at any time by the division for any of the following reasons:

1st. That the licensee is no longer a suitable place for the care or treatment of the mentally ill.

2nd. That the licensee refuses to be subject to general supervision, inspection or visitation by said division at all times.

3rd. That the licensee has failed to continue and maintain the required standards upon which said license was issued. Any person, persons, firm, partnership or corporation operating a private hospital, home or institution for the care or treatment of the mentally ill which is aggrieved by any action refusing an application for license or renewal thereof, or suspending or revoking a license, or otherwise, may appeal in accordance with the provisions of the administrative procedure act. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 1890-24. (**Warrant of detention.**) When such affidavit is filed the probate judge shall issue a warrant of detention to any police officer, or member or employee of any county, municipal or township board of health, or to any suitable person commanding him to take such person to the place designated by the probate judge in said warrant of detention. The officer or person authorized to serve said warrant of detention may call upon any person near to aid and assist in the serving of said warrant. Each of said persons so called refusing to render immediate assistance, or any person interfering with or obstructing the service of said warrant or detention thereunder shall be fined not more than fifty dollars.

The officer or person serving the warrant of detention shall forthwith make proper return of the service thereof and in no case later than the first law day after its service.

The person so apprehended shall be detained at the place designated in the warrant until the time of hearing, unless the probate judge orders otherwise. The probate judge may make any order for the detention of such person until hearing that he deems advisable, having in mind the welfare of the person and the protection of society.

When a mentally ill person is detained in the county jail either on a warrant or without a warrant, the county commissioners shall provide proper facilities in the jail for the care of such persons as shall meet the approval of the division of mental diseases so that such persons may be kept completely separate and apart from persons accused of crime. Facilities for such detention or for care before or after commitment by the probate court may be provided by the county commissioners either at or in connection with the county home. (119 v. 622.)

Sec. 1890-26. (**Detention without warrant.**) Any member of the family of a person believed to be mentally ill, or any police officer, or member or employee of any county, municipal or township board of health may, without the warrant provided for in section 1890-24 of this chapter detain any person whom he has reasonable cause to believe to be mentally ill, and who is violent or dangerous, or has suicidal or homicidal tendencies, and without unnecessary delay take the person detained to a receiving hospital, if available, and if the patient's condition will permit his care in such a hospital; and if a receiving hospital is not available then to a county, city or village jail. If such person is taken to jail an affidavit must be filed or caused to be filed in the probate court by the apprehending officer or the officer in charge of the jail the next succeeding law day. When a

person mentally ill is apprehended without a warrant and placed in jail, he shall forthwith be examined by a physician and shall be furnished medical care and nursing at the expense of the village or city as long as he remains an inmate of such village or city jail and at the expense of the county as long as he is an inmate of the county jail and until the liability of the state of Ohio to maintain and care for such person begins.

A person so detained may be held by the superintendent of a receiving hospital or a sheriff, without a warrant, for a reasonable period of time, not exceeding five days. Such person may be detained in a village or city jail for a period of not to exceed twelve hours within which period of time * and said person must be transferred to a receiving hospital, if available, and if a receiving hospital is not available, to the county jail. Such person shall be received by the superintendent of the receiving hospital if there are facilities for his accommodation therein, otherwise he must be detained in the county jail or at such other suitable place of detention as may be legally provided by the county commissioners.

All persons acting in good faith either upon actual knowledge or information thought by them to be reliable in executing the affidavit provided for in section 1890-23 of this chapter, or who apprehends and detains or assists in apprehending and detaining any person without a warrant under the provisions of this chapter, shall be free from any and all liability to the person detained or any other person or persons by reason of such arrest, imprisonment or restraint. It being the intention to expedite all matters pertaining to the treatment of persons alleged to be mentally ill and to protect all persons acting in good faith from liability for damages in so doing. (119 v. 623.)

* So in enrolled bill.

Sec. 2054. **(Name and purpose.)** Such sanatorium shall be known and designated as the Ohio state sanatorium and shall be maintained for the treatment of persons residents of this state suffering from incipient pulmonary tuberculosis, and persons under twelve years of age suffering from tuberculosis in any of its forms or predisposed thereto, and shall be an experimental school of instruction for the ultimate purpose of discovering and disseminating throughout the state the best means for the treatment of patients afflicted with tuberculosis. (III v. 60.)

Sec. 2055. **(Admissions; apportionment by counties.)** The admission of patients to the sanatorium must be limited to those in the incipient stage of the disease, and they shall be apportioned among the several counties of the state in proportion to population

as shown by the next preceding federal census, but at all times each county shall be entitled to at least one patient therein. The state board of health shall prescribe how such patients may be selected and admitted from the several counties. (97 v. 559.)

Sec. 2068. (Who entitled to admission; payment for support.)

Any citizen of this state suffering from pulmonary tuberculosis in the incipient or early stage and any citizen of this state under twelve years of age who has tuberculosis in any of its forms or who is predisposed thereto, as determined by the superintendent, may be admitted to the sanatorium upon payment in advance of a sum to be fixed by the superintendent, said sum to be not less than five dollars nor more than twenty-five dollars each week, according to the financial condition and ability to pay of the person applying for admittance or any other person legally liable for the care and support of said applicant. Said sum, so fixed, shall fully cover all expenses for medical treatment, medicine, nursing, board, lodging and laundry. The superintendent shall make such investigation as is necessary to determine such financial condition and ability to pay, and may at any time increase or decrease the amount within the limits herein prescribed upon the approval of the department of public welfare. Payment for the support of patients in the sanatorium shall be made in accordance with the provisions of sections 1815-13, 1815-14 and 1815-15 of the General Code. (111 v. 61.)

Sec. 2068-1. (Care, treatment and education of children.) Provisions may be made for the care and treatment of children in a building or buildings separate and apart from the buildings used for adult patients. The superintendent shall provide for the education of children of school age admitted to the sanatorium. The instruction so provided shall be directed by and be under the supervision of the county superintendent of schools in cooperation with the superintendent. The expense of such instruction shall be paid from the appropriations for the sanatorium, and the director of public welfare shall include in his budget such amounts as may be required to cover such expense. (111 v. 61.)

Sec. 2069. (Probation period.) All patients admitted to the sanatorium shall be received upon probation for a period of four weeks. If at the end of this time they are by the superintendent, deemed suitable cases for sanatorium treatment, they shall be regularly admitted, and if not, be discharged. The superintendent, with the approval of the trustees, may provide suitable out-door employment for patients and allow such compensation for work done as they deem proper, not to exceed five dollars per week, in any case

to be deducted from the weekly charge for residence in the sanatorium. (99 v. 236.)

Sec. 2070. (**Out-door labor.**) The trustees may provide for the production of milk and eggs upon the sanatorium farm, and such vegetables and other products as they deem advisable, having regard, so far as practicable, to furnishing light out-door labor to patients. They may erect buildings, employ labor, and make purchases as they deem necessary therefor, within appropriations provided by the legislature for such purposes. (99 v. 237.)

Sec. 2071. (**Gifts, legacies, etc.**) The board of trustees may for the use of such institution receive gifts, legacies, contract endowments, demises and conveyances of property, real or personal, made, given or granted to them for the state sanatorium, or in its name, or in the name of said board. (99 v. 237.)

Sec. 2072. (**Disposition of receipts; monthly reports.**) For the maintenance of the sanatorium the board of trustees may receive and expend all money paid to it by patients for treatment therein, or money received from other sources, but compensation for work done by patients in accordance with this chapter shall be paid from such moneys, if any part thereof is unexpended. The superintendent shall make monthly reports in detail to the auditor of state of all money received and expended under this provision. (99 v. 237.)

Sec. 2293-7. (**May borrow money in case of epidemic, threatened epidemic, special election, etc.**) If it is determined by the tax commission of Ohio that funds are not otherwise available, the taxing authorities may borrow money and issue notes:

(a) In case of epidemic or threatened epidemic, or during an unusual prevalence of a dangerous communicable disease, to defray those expenses which the local board of health deems necessary to prevent the spread of such disease.

(b) In case of the destruction of any bridge, road, school or public building, by fire, flood, or extraordinary catastrophe, to provide temporary facilities for bridge, road, school or building purposes.

(c) In case of a special election called after the adoption of the annual appropriation measure, to defray the expenses of such election.

Such notes shall mature one half on March first next following the next February tax settlement at which, in accordance with the ordinary budget procedure, a tax to pay such notes can be included in the budget and one half on the following September first, and a tax shall be levied to pay such notes, which tax shall be outside of all limitations of law. (113 v. 666).

Sec. 2480. (**Regulation of construction, etc., of building in unincorporated portion of county.**) The board of county commissioners of any county, in addition to the powers already granted by law, may adopt, administer and enforce regulations pertaining to the erection, construction, repair, alteration and maintenance of residential buildings within the unincorporated portion of any county. In no case shall said regulations go beyond the scope of regulating the safety, health and sanitary conditions of such residential buildings.

Regulations adopted by resolution of the county commissioners shall not affect existing buildings or those being built until one year after said regulations take effect. (119 v. 673).

Sec. 2481. (**Position of county building inspector established; duties of inspector.**) For the purposes of administering and enforcing said regulations the county commissioners may create, establish, fill and fix the compensation of the position of county building inspector. Said position shall be deemed to be in the competitive classified service, and appointment, promotion and removal shall be governed by the state civil service statutes. In lieu of the creation of any such position, the county commissioners may assign the duties of the office to an existing county officer. The duties of such county building inspector shall be the administration and enforcement of the building regulations as adopted by the county commissioners.

The county commissioners may contract with any municipality in the county for the administration and enforcement of said building regulations and any municipality may contract with the county commissioners for the administration and enforcement of the building regulations of said municipality. (119 v. 673).

Sec. 2482. (**Publication of building regulations.**) Building regulations as adopted, amended or changed by said county commissioners shall be published and made available to the public at the office of the county commissioners. (119 v. 674).

Sec. 2483. (**Unlawful construction may be enjoined; "farmer" defined.**) It shall be unlawful to erect, construct, alter, repair or maintain any residential building within the unincorporated portion of any county, wherein the county commissioners have enacted residential building regulations as provided in section 1 [G. C. 2480] of this act, unless said building regulations are fully complied with. In the event any residential building is being erected, constructed, altered, repaired or maintained in violation of the regulations adopted by resolution under the authority granted by this act, the county commissioners, the prosecuting attorney or the county building inspector of such county or any adjacent, contiguous or neighboring property

owner who would be especially damaged by such violation, in addition to the remedies provided by law, may institute a suit for injunction, abatement or other appropriate action to prevent such violation of the regulations relating to the erection, construction, alteration, repair or maintenance of such residential building. Provided, however, this act shall not apply to residential buildings owned, used or occupied by farmers. For the purpose of this act the term "farmer" includes not only an individual who is primarily bona fide personally engaged in producing products of the soil, but also any individual who is primarily bona fide personally engaged in dairy farming, the production of poultry or livestock, or the production of poultry products or livestock products in their unmanufactured state, or the principal part of whose income is derived from any one or more of the foregoing operations and includes the personal representative of a deceased farmer. (119 v. 674).

Sec. 2497. **(Inspection by commissioners or board of health.)** Each public or private hospital, reformatory home, house of detention, private asylum, reformatory and correctional institution shall be open at any and all times to the inspection of the commissioners of the county or the board of health of the township or other municipality, in which such institution is situated. (92 v. 212).

Sec. 2498. **(Semi-annual visit.)** Each and every county commissioner shall visit, unannounced, at least once in every six months, each private or public hospital, reformatory home, house of detention, private asylum, or any institution exercising or pretending to exercise a reformatory or correctional influence over individuals, situated in his county, and note its sanitary condition, and the condition and treatment of the inmates thereof. (92 v. 212).

Sec. 2499. **(Report of investigation.)** Such county commissioners shall file with the prosecuting attorney of the county a full and complete report of the investigations of such institutions, which report shall be open to the examination of the public. (92 v. 212).

Sec. 2500. **(Application to health commissioner for antitoxin.)** When a physician regularly authorized to practice medicine under the laws of this state, is called upon to treat a person suffering from diphtheria who is in indigent circumstances, or a child suffering from diphtheria whose parents are in indigent circumstances, and he is of the opinion that antitoxin should be administered to such person or child or to others who may have been exposed to the contagion of such disease, he may make application to any health commissioner within the county therefor. (109 v. 214).

Sec. 2501. **(When antitoxin shall be paid for by county.)** When satisfied of the indigent circumstances of the persons to be treated, such health commissioner may certify the fact to the county commissioners and immediately authorize the attending physician or any druggist to furnish such antitoxin for the persons so to be treated when such antitoxin is not available, as provided in section 1261-29 of the General Code. The antitoxin so furnished shall be paid for upon the allowance of the county commissioners from the general fund of the county. (109 v. 214).

Sec. 2511-1. **(County department of welfare, when established and effective; county director of welfare, assistants, etc.; bonds.)** The county commissioners of any county may by a resolution which has been unanimously adopted, establish a county department of welfare which, when so established, shall be governed by the provisions of this act. Such department shall function from and after the date fixed in such resolution, which date shall be not less than thirty days nor more than ninety days after the adoption of such resolution, but not before the first day of January, 1944. The county department of welfare shall consist of a county director of welfare appointed by the board of county commissioners, and such assistants and other employees as may be deemed necessary for the efficient performance of the welfare service of the county. Before entering upon the discharge of his duties, the county director of welfare shall give a bond conditioned for the faithful performance of his duties in such sum as shall be fixed by the county commissioners. The county director of welfare may require any assistant or employee under his jurisdiction to give a bond in such sum as may be determined by the county commissioners. All bonds given under this section shall be with a surety or bonding company authorized to do business in this state, conditioned for the faithful performance of the duties of such director, assistant or employee. The expense or premium for any bond required by this section shall be paid from the appropriation for administrative expenses of the department. Such bond shall be deposited with the county treasurer and kept in his office. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-2. **(Powers and duties of director; civil service status; residence requirement; coordination of operations.)** Under the direction of the board of county commissioners, the county director of welfare shall have full charge and control of the county department of welfare. He shall prepare the annual budget estimate of the department and submit it to the board of county commissioners. Before submitting the budget estimate to the county commissioners,

the county director of welfare shall consider the recommendations of the welfare advisory board relative thereto, if there be such a board in the county. The director, with the approval of the board of county commissioners, shall appoint all necessary assistants, superintendents of institutions, if any, under the jurisdiction of the department, and all other employees of the department, excepting that the superintendent of each such institution shall appoint all employees therein. The assistants and other employees of the county department of welfare shall be in the classified civil service, and may not be placed in or removed to the unclassified service. The county director of welfare and such assistants and other employees under civil service must be residents of the county in which they are appointed at the time of such appointment. If no eligible list is available, provisional appointments shall be made until such eligible list is available.

The county commissioners, except as provided in this act, may provide by resolution for the coordination of the operations of the county department of welfare and those of any county institution whose board or managing officer is appointed by them. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-3. (**Compensation of director, assistants and employees.**) The county department of welfare shall be subject to the county commissioners in regard to all provisions of the uniform tax levy law. The salary of the county director of welfare shall be fixed by the board of county commissioners. The compensation of all assistants and employees within or under the jurisdiction of the county department of welfare shall be fixed by the county director of welfare within the appropriation made by the board of county commissioners. No salary or compensation herein provided for shall be less than the minimum nor more than the maximum established by the state civil service commission for such positions. The state department of public welfare shall cooperate with the civil service commission in establishing the classification and rates of compensation of positions required for the administration of this act and the qualifications of persons to be employed in such positions. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-4. (**Powers and duties of department.**) The county department of welfare shall have the following powers and duties:

(a) To be the "county administration" for all the purposes of sections 1359-31 to 1359-45, both inclusive, of the General Code as now existing or as hereafter amended or supplemented.

(b) To administer aid to the needy blind as provided by sections

2965 to 2970, both inclusive, of the General Code, as now existing or as hereafter amended or supplemented.

(c) To administer poor relief and burials in so far as the administration of such relief and burials was heretofore imposed upon the board of county commissioners.

(d) To cooperate with state and federal authorities in any matter relating to public welfare and to act as the agent of such authorities if and to the extent and in the manner designated.

(e) To submit an annual account of its work and expenses to the county commissioners and to the state department of public welfare at the close of each fiscal year.

(f) To exercise such powers and duties relating to public welfare as may be imposed upon the department by law, by resolution of the county commissioners, or by order of the governor when authorized by law to meet emergencies during war or peace. The county commissioners shall have authority to designate the county department of welfare to exercise and perform any additional welfare powers and duties which the commissioners may have, except as provided in this act. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-5. **(Department may administer other state or local public welfare activities; agreement; revocation of agreement; provisions not applicable, when.)** The county department of welfare shall also have authority to administer or assist in administering any other state or local public welfare activity supported wholly or in part by public funds from any source if and to the extent so provided by agreement between the county commissioners and the officer, department, board or agency in which the administration of such activity is vested by law. Every such other officer, department, board or agency is hereby authorized to enter into such agreement and thereby to confer upon the county department of welfare to the extent and in particulars therein specified, the performance of any or all duties and the exercise of any or all powers imposed upon or vested in such officer, board, department or agency by law, with respect to the administration of such activity. Such agreement shall be in the form of a resolution of the county commissioners accepted in writing by the other party thereto and filed in the office of the county auditor; and when so filed, shall have the effect of transferring the exercise of the powers and duties to which the same relates and shall exempt the other party from all further responsibility for the exercise of the powers and duties so transferred, during the life of the agreement.

Such agreement may be revoked at the option of either party

thereto by a resolution or order of the revoking party filed in the office of the county auditor. Such revocation shall become effective at the end of the fiscal year occurring at least six months following the filing of the resolution or order. In the absence of such an express revocation so filed, such agreement shall continue indefinitely.

The provisions of this act shall not be applicable to permit a county department of welfare to manage or control county or district tuberculosis or other hospitals, humane societies, detention homes, jails or probation departments of courts, or soldiers' relief commissions. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-6. (Powers and duties of certain boards, etc., transferred to county department of welfare.) All powers and duties conferred by this act upon the county department of welfare, and by law imposed upon or vested in any board, agency or department are hereby transferred to and vested in the county department of welfare, when established. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-7. (County welfare advisory board; membership; term; compensation.) The county commissioners of any county in which a county department of welfare shall have been established may appoint a county welfare advisory board of not less than five nor more than nine persons familiar with welfare problems, one of which members shall be the juvenile judge or the judge of the court exercising juvenile jurisdiction in the county. The remaining members shall be appointed by the board of county commissioners in such manner that the term of at least one member shall expire annually. Each person so appointed shall serve until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term in the same manner as an original appointment. Members of the county welfare advisory board shall serve as such without compensation. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-8. (Duties of county welfare advisory board.) The county welfare advisory board shall suggest rules and regulations to the county director of welfare with respect to the organization of the county department of welfare, and shall advise the county director of welfare and the board of county commissioners with respect to budget estimates, policies, and other problems of welfare activities. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-9. (Civil service status of employees.) In so far as practicable, all employees now holding positions in the classified civil service, who have been appointed on the basis of a competitive examination and whose duties are transferred or may be transferred

to the county department of welfare shall be utilized for duties of a similar character by the appointing authority before making other appointments, and nothing in this act shall be construed as affecting the civil service status of any such employee. When certified by a municipal civil service commission to the state civil service commission, employees in the municipal classified service who are or may be transferred to the county department of welfare shall be placed in the state classified service. Provided that nothing in this section shall be construed as compelling the appointment of more employees than are deemed necessary to properly perform the duties of the county department of welfare. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-10. (**Moneys received deemed appropriated for purposes specified.**) All moneys received by each county from the state, or from the federal government under the provisions of the social security act, or any act of congress of the United States, amendatory thereof or in substitution therefor, for aid to the blind, for aid to dependent children, or for any other welfare activity, shall be deemed appropriated for the purposes for which such moneys were received. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2511-11. (**Property, records, etc., transferred to county department of welfare.**) All the property, records, files and other documents and papers used in and necessary for the performance of the functions transferred pursuant to this act and belonging to or in the possession of any board, agency or department, the powers and duties of which are transferred to the county department of welfare, and the proceeds of all tax levies in process of collection for the use of such boards, agencies or departments shall be transferred to the county department of welfare, when established. At the time when the exercise of any powers and duties of any other board, agency or department are transferred to the county department of welfare, or to any other board, agency or department, all the property, records, files and other documents and papers, and the unexpended balances of all current appropriations, and the unappropriated proceeds of all tax levies then in process of collection for the use of such board, agency or department shall be deemed transferred to the board, agency or department to which such duties have been transferred. (120 v. H. 140. Eff. January 1, 1944).

Sec. 2543. (**Admission when afflicted with contagious disease.**) When a child is an applicant for admission to the children's home, and a regular practicing physician, upon examination, declares that such child is afflicted with a contagious or infectious disease and no means are provided at the children's home for its separation from

the other children, it shall be cared for by the superintendent of the infirmary until it becomes eligible to the children's home. (102 v. 436).

Sec. 2544. (**Admission through township trustees.**) In any county having an infirmary, when the trustees of a township or the proper officers of a corporation, after making the inquiry provided by law, are of the opinion that the person complained of is entitled to admission to the county infirmary, they shall forthwith transmit a statement of the facts to the superintendent of the infirmary, and if it appears that such person is legally settled in the township or has no legal settlement in this state, or that such settlement is unknown, and the superintendent of the infirmary is satisfied that such person should become a county charge he shall account such person as a county charge and shall receive and provide for him in such institution forthwith or as soon as his physical condition will so permit. The county shall not be liable for any relief furnished, or expenses incurred by the township trustees. (108 v. Pt. I, 269).

Sec. 2546. (**Employment of physicians; quarterly report.**) The county commissioners may contract with one or more competent physicians to furnish medical relief and medicines necessary for the inmates of the infirmary, but no contract shall extend beyond one year. Medical statistics shall be kept by said physician, who shall report same to the county commissioners quarterly showing the nature and extent of the services rendered, to whom, and the character of the diseases treated. The commissioners may discharge any such physician for proper cause. No medical relief for persons in their homes shall be furnished by the county, except for persons who are not residents of the state or county for one year, or residents of a township or city for three months, and except under provisions of section 2544. (108 v. Pt. I, 269.)

Sec. 2555. (**Penalty for bringing indigent person into city, township or county; conveyance out of the state.**) Any person who purposely transports, removes or brings, or purposely causes to be transported, removed, or brought, a poor or indigent person with knowledge of such poor or indigent condition into a city, township or county in this state without lawful authority, and there leaves such poor or indigent person, knowing that such city, township, or county will probably become chargeable with his support, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not more than thirty days, or both, and shall be obligated to convey such person out of the state. Such fine shall be for the use of the poor of the city, township or county in which the

indigent person is left. The court shall require satisfactory security from such person that he will convey the destitute person out of the state within the time fixed by the court, or will indemnify the city, township or county for all charges and expenses incurred for the support or transportation of such destitute person. If such person refuses to give security when so required the court may commit him to jail for not more than thirty days. When a public official furnishes transportation to an indigent person, it shall be done only after investigation and satisfaction that such transportation will make it possible for such person to be cared for by responsible persons; and the transportation furnished shall be to the final destination in this state or elsewhere. (117 v. 806.)

Sec. 2829. (**Vacancy in office of coroner; acting coroner; appointment; qualifications; fees; justice of peace may act in emergency.**) When the office of coroner becomes vacant by death, resignation, expiration of the term of office or otherwise, the county commissioners shall appoint a suitable person to fill the vacancy. When, for thirty days or more, the coroner is to be absent from the county, is in military service, or unable from sickness or other causes to discharge the duties of his office, the county commissioners shall appoint a suitable person as acting coroner. Such appointees shall have the qualifications required of coroners and shall give bond and take the oath of office as prescribed for the coroner. When such person is temporarily acting in the capacity of coroner he shall receive the compensation equivalent to that allowed by law to coroners in such cases. The health commissioner of a general health district may be appointed as acting coroner when the coroner is temporarily absent from the county and in such capacity shall be entitled to the fees provided by law.

When both the coroner and the acting coroner are absent from the county, or unable from sickness or other cause to discharge the duties of his office, a justice of the peace of the county shall have the powers and duties of the coroner to hold inquest in the presence of the county sheriff or deputy sheriff. When acting in the capacity of coroner, a justice of the peace may receive the fees allowed by law to coroners in such cases. (120 v. H. 150. Eff. August 27, 1943.)

Sec. 3139. (**Supervision of tuberculosis hospitals; approval of location and plans; formation of district.**) The state department of health shall have general supervision of all sanatoria, hospitals and other institutions engaged in the maintenance, care and treatment of persons suffering from tuberculosis, and shall formulate and enforce such rules and regulations for their government as it may deem

necessary. By maintenance, care and treatment is meant proper housing and nutrition, the use of approved and modern medical and surgical methods of treatment, skilled nursing attention, and such educational and pre-vocational rehabilitation, or other services, as the medical superintendent of each tuberculosis institution may prescribe. The location, plans and estimates of cost for all municipal, county and district hospitals for tuberculosis, and additions thereto, shall be submitted to and shall be approved by the state department of health. The formation of a district for the purpose of providing a hospital for the care and treatment of tuberculosis, for additions thereto, or for withdrawals therefrom, shall be submitted to and be approved by the state department of health. (119 v. 721.)

Sec. 3139-1. **(Commissioners of two or more counties may establish district tuberculosis hospital; procedure.)** The commissioners of any two or more contiguous counties, not to exceed five, may, and upon the favorable vote of the electors thereof in the manner hereinafter provided, shall form themselves into a joint board for the purpose of constructing, equipping and maintaining a district hospital for the care and treatment of persons having tuberculosis, provided, that no county in which there is a municipal or county tuberculosis hospital shall be included in any such district. Provided, however, that districts now existing containing more than five counties may continue in existence under all the provisions of this act. If the boards of county commissioners fail to provide for the care of the tuberculous, two per cent of the electors of any proposed joint district may file a petition with the board of deputy state supervisors of elections of the most populous county in such proposed district, designating the counties in such district. Such board shall at once certify such fact to the election boards of the counties comprising such proposed district and such proposition shall be placed on the ballot at the next special or general election occurring more than sixty days after the filing of such petition. If a majority of the electors voting on the proposition in each county of the proposed district vote in favor thereof, such district shall be established. After the establishment of such joint district, either by voluntary action of the commissioners or as the result of such election, such joint board of county commissioners shall provide a site or the necessary funds for the purchase of a site, and also shall provide the necessary funds for the acquisition, erection and equipment of the necessary buildings thereon. Such expenses as may be incurred by the county commissioners in meeting with the commissioners of other counties for consideration of the proposal to establish a district tuberculosis hospital

shall be paid from the general fund of the county. After the organization of the joint board such expenses shall be paid from the fund provided for the erection and maintenance of such hospitals. (119 v. 721.)

Sec. 3139-2. (**Facilities available to patients residing within and without the district.**) The district hospital for tuberculosis shall be devoted to the care and treatment of those persons afflicted with tuberculosis who are residents of the district and who are in need of hospital care and treatment, provided that if facilities are available and not used by such residents, trustees of such hospital may contract for the care of patients from counties not included in the district. (119 v. 722.)

Sec. 3139-3. (**Management and control vested in board of trustees; appointment; term; removal; organization; meetings; annual report.**) As soon as possible after organization, the joint board of county commissioners shall appoint a board of trustees in whom shall be vested the management and control of such district tuberculosis hospital, said board to consist of one member from each county in the district. Each trustee shall serve for a term of office equal to the number of counties in the district, provided, however, the term of office of the members first appointed shall be so fixed that the term of office of one member will expire each year. Annually thereafter, except to fill vacancies, the joint board of county commissioners shall appoint one member to the board of trustees upon the expiration of each term. A trustee shall hold his office until his successor has been appointed and has qualified. Any vacancy shall be filled by an appointment in like manner for the unexpired term of the original appointment. The joint board of county commissioners may remove any trustee for good and sufficient cause after a hearing upon written charges. As soon as the board of trustees has been appointed it shall meet and organize by electing one of its members as chairman and another member as chairman pro tem. Annually, thereafter, at the regular monthly meeting in January a chairman and chairman pro tem shall be elected. The board shall also select a secretary who shall serve during the pleasure of the board. Such board of trustees shall meet monthly, and at such other times as they deem necessary. On the third Monday of March in each year such board of trustees shall file with the joint board of county commissioners, and with the state department of health, an annual report of the operation of such district hospital, including a statement of all receipts and expenditures during the preceding calendar year. The trustees shall serve without

compensation, but their necessary expenses when engaged in the business of the board shall be paid. (119 v. 722.)

Sec. 3139-4. (Selection of site, plans, etc.; gifts, bequests, etc.) Subject to the provisions of this act, such board of trustees shall select a site, prepare plans and specifications and proceed to acquire or erect and equip the necessary buildings for a district tuberculosis hospital. In the selection and acquirement of a site for a district tuberculosis hospital the board of trustees shall have the same powers in the appropriation of lands as are conferred upon boards of county commissioners. They may receive and hold in trust for the use and benefit of such institution any grant or devise of land, and any donation or bequest of money or other personal property that may be made for the establishment or support thereof. (119 v. 723.)

Sec. 3139-5. (Apportionment of cost of construction, etc.; county commissioners may borrow money; interest; annual statement.) The first cost of the hospital, and the cost of all betterments, repairs and additions thereto, as determined by the board of trustees, shall be paid by the counties comprising the district, in proportion to the taxable property of each county as shown by their respective duplicates. To meet the expense incurred in the purchase of a site or enlargement thereof, and for the erection and equipment of buildings, or for the purpose of enlarging, improving or rebuilding thereof, or for purchasing an interest in a district tuberculosis hospital, the commissioners may borrow such sum or sums of money as may be apportioned to the county, at a rate of interest not to exceed five per cent per annum, and issue and sell the bonds of the county to secure the payment of the principal and interest thereof. Such principal and interest shall be paid as provided in section 2293-8 of the General Code. A statement shall be prepared annually showing the per capita daily cost for the current expenses of maintaining such hospital, including the cost of ordinary repairs, and each county in the district shall pay its share of such cost as determined by the number of days the total number of patients from such county have spent in the hospital during the year, but any sums paid by the patients from such county for their treatment therein shall be deducted from this amount. The boards of county commissioners of counties jointly maintaining a district hospital for tuberculosis shall make annually an appropriation or otherwise provide sufficient funds to support, and to defray the necessary expense, of maintenance of such hospital. (119 v. 723.)

Sec. 3139-6. (Taxes collected, when and where deposited; disbursement and use of funds; bond of trustees.) All taxes levied by

the county commissioners of any county under the provisions of section 6 [G. C. 3139-5] of this act shall, when collected, be paid over to the trustees of the district tuberculosis hospital upon the warrant of the county auditor, at the same time that school and township moneys are paid to the respective treasurers; and the board of trustees shall receipt therefor and deposit said funds to its credit in banks or trust companies to be designated by it and said banks or trust companies shall give to said board, a bond therefor in an amount at least equal to the amount as so aforesaid deposited; and thereupon said funds may be disbursed by said board of trustees for the uses and purposes of said district tuberculosis hospital, and accounted for as provided in the foregoing sections. Each trustee shall give bond for the faithful performance of his duties in such sum as may be fixed by the joint board of county commissioners. The expense of such bond shall be paid out of the fund for the maintenance of the hospital. The bond of each trustee, after having been approved by the joint board of county commissioners, shall be filed with the auditor of the county which he represents. (119 v. 724.)

Sec. 3139-7. (Admission of additional counties to district; limitation; procedure for admission.) After a tuberculosis hospital has been established additional counties may be admitted to the district, but the total number of counties in any such district shall not exceed five. Such addition may be made on the recommendation of the board of trustees and by a majority vote of the joint board of county commissioners. Before a county is admitted to the district the county commissioners of such county and the joint board of county commissioners shall agree upon the terms and conditions by which such county is to be admitted to the district. Such agreement shall be in writing and shall be entered in full in the minutes of the county commissioners and of the joint board. Any county so admitted to a district shall be represented by one member on the board of trustees and shall have the same powers, duties and obligations as a county joining the original district. (119 v. 724.)

Sec. 3139-8. (Withdrawal of county from district; procedure.) Any county within a tuberculosis hospital district which desires to withdraw from said district may, with the consent of the state department of health, dispose of its interest in said district hospital by selling same to any county or counties in said district at a price fixed by a board of appraisers composed of the county auditors of the counties of the district and said auditors shall, upon application made to them by the board of county commissioners of any county which desires to so withdraw from the hospital district, constitute them-

selves as such board of appraisers for determining the price to be paid said county for its interest. (119 v. 724.)

Sec. 3139-9. (**Equitable apportionment of expense for new site, hospital, etc.; petition; hearing.**) Whenever, after any district tuberculosis hospital has been destroyed or become inadequate for the needs of the district or has been established and operated for a continuous period of five or more years, and the board of trustees of such hospital decides that a new site, a new hospital building or buildings, betterments and additions to an existing building or buildings, or new equipment has or have become necessary, any county in the district may complain by proper petition to the court of common pleas of the county in which said district tuberculosis hospital is located, stating that it is unjust and inequitable that such complaining county should pay for the said expense incurred or to be incurred in proportion to its taxable property, as provided for in foregoing sections of this act. In such petition the complaining county shall be the plaintiff and all other counties of said district shall be defendants, and each county shall be required to answer said petition within the ordinary answer day required in civil actions. Upon answer or in default thereof, the matter shall come up for hearing before said court of common pleas, and upon full hearing said court of common pleas may make such order of apportionment of said expense between the counties as may be just, proper and equitable, and thereupon such order shall be binding as between the counties, and in lieu of the apportionment prescribed by foregoing sections of this act. (119 v. 725.)

Sec. 3139-10. (**Appointment of medical superintendent, physicians, nurses, etc.; compensation; duties of superintendent; payment of cost of care and treatment of patients.**) The board of trustees of a district tuberculosis hospital shall appoint a qualified physician as a medical superintendent, who shall not be removed except for cause. Said superintendent or a qualified medical assistant shall serve on a full time basis, except in such hospitals having less than fifty beds. Upon the recommendation of said medical superintendent, said board of trustees shall appoint other physicians and nurses for service within and without the hospital, and such other employees as may be necessary for the proper operation of the hospital. Such trustees shall fix the compensation of the medical superintendent, physicians, nurses and all other employees. Subject to the rules and regulations prescribed by the state department of health and the board of trustees, the medical superintendent shall have entire charge and control of the hospital. The medical superintendent shall investigate all

applicants for admission to the hospital for tuberculosis and may require satisfactory proof that they have tuberculosis and are in need of hospital care. The board of trustees may require from any applicant admitted from the county or counties maintaining the hospital, payment not exceeding the actual cost of care and treatment, including the cost of transportation, if any. If, after investigation, it shall be found that any such applicant or patient or any person legally responsible for his support is unable to pay the full cost of his care and treatment in the district hospital, the board of trustees shall determine the amount, if any, said applicant, or patient or any such person legally responsible for his support, shall pay. The difference between such amount, if any, and the actual cost of care and treatment shall be paid by the county in which such applicant or patient has a legal residence. The amount so determined shall be paid on the order of the county commissioners. An accurate account shall be kept of moneys received from patients, or from other sources, which shall be applied toward the payment of maintaining the district tuberculosis hospital. (119 v. 725.)

Sec. 3139-11. **(County tuberculosis hospital established, when and how; gifts, bequests, etc.)** The county commissioners of any county having more than 50,000 population as shown by the last federal census may, with the consent of the state department of health, provide the necessary funds for the purchase of a site or sites and the erection and equipment of the necessary buildings thereon, for the operation and maintenance of one or more county hospitals for the care and treatment of persons suffering from tuberculosis, and for the purchase or lease of one or more municipal tuberculosis hospitals located in said county. The county commissioners maintaining a county tuberculosis hospital may receive for the use of such hospital, and in its name, gifts, legacies, devises and conveyances of real or personal property or money. (119 v. 726.)

Sec. 3139-12. **(Annual appropriation for maintenance; repairs.)** In any county where a county hospital for tuberculosis has been purchased, leased or erected, such county hospital for tuberculosis shall be maintained by the county commissioners, and for the purpose of maintaining such hospital the county commissioners shall annually appropriate and set aside the sum necessary for such maintenance. Such sum shall not be used for any other purpose. When it shall become necessary to enlarge, repair or improve a county hospital for

tuberculosis, the county commissioners shall proceed in the same manner as provided for other county buildings. (119 v. 726.)

NOTE: Supplemental section 5625-15a, of the General Code, effective July 9, 1941, authorizes the county commissioners to provide additional funds for tuberculosis hospitals by the levy of a special tax outside the ten mill tax limitation when sufficient funds cannot be appropriated from the county general fund. The levy may not exceed sixty-five hundredths of a mill and requires a majority vote of the electors. (119 v. 55.)

Sec. 3139-13. (**Management and control vested in board of trustees; appointment; powers; hospital funds disbursed by trustees; bond; annual report.**) The management and control of such county tuberculosis hospital shall be vested in a board of trustees consisting of three members who shall be appointed by the county commissioners for a term of three years, provided that of the appointments first made, one shall be for one year, one for two years, and one for three years, and thereafter one shall be appointed annually on the first day of April for a term of three years. All vacancies shall be filled by the county commissioners for the unexpired term. Such board of trustees shall have all the powers conferred by law upon the board of trustees of a district hospital for the care of persons suffering from tuberculosis. Provided that in hospitals of less than fifty beds the board of county commissioners may serve as a board of trustees. All laws applicable to the levy of taxes for the purchase, lease, erection, maintenance, betterments, repairs and operation of a district hospital shall apply to the leasing, erection, operation, maintenance, betterments and repairs of said county hospital for the care and treatment of persons suffering from tuberculosis, and all taxes collected pursuant to levy made for such purpose, and all appropriations made for the maintenance and operation of such hospital may be paid over to the trustees of the county hospital and deposited and expended by them in the same manner as is provided by section 3139-6, as to taxes levied and collected for the use of the trustees of a district hospital. The provisions of section 3139-6 requiring trustees of district hospitals to give bond for the faithful performance of their duties and providing the manner in which such bond shall be given, shall be applicable to trustees of a county hospital. An accurate account shall be kept of all moneys received from patients or from other sources, which shall be applied toward the payment of maintaining the tuberculosis hospital. The board of trustees shall, on the first Monday in February of each year, file with the county commissioners and with the state department of health an annual report of the operation of the county tuberculosis hospital including a statement of receipts and disbursements during the past calendar year. (120 v. S. 112. Eff. August 19, 1943.)

Sec. 3139-14. (**County joined in erection of district hospital may erect and maintain county tuberculosis hospital, when; issuance of bonds; repairs.**) In any county having a population of 50,000 or over at the last federal census which has joined in the erection of a district tuberculosis hospital and if in such hospital there is not sufficient capacity to afford suitable accommodations for all cases of tuberculosis that should be hospitalized, and if the trustees of such district tuberculosis hospital or the joint board of county commissioners fail or refuse to provide additional accommodations in such hospital, the county commissioners of such a county may, with the consent of the state department of health, erect and maintain a county tuberculosis hospital. The county commissioners may issue bonds for the purpose of constructing such county hospital and shall annually appropriate and set aside the funds necessary for its maintenance. Such funds shall not be used for any other purpose. When it shall become necessary to enlarge, repair, or improve any such county hospital for tuberculosis, the county commissioners shall proceed in the same manner as provided for other county buildings and subject to the provisions of section 1 (*), of this act. (119 v. 727.)

(*) Section 1 is G. C. section 3139.

Sec. 3139-15. (**Use of funds; management and control of hospital.**) When bonds have been authorized, or funds secured, for the purpose of erecting or maintaining a county hospital for tuberculosis as provided for in section 15 (*) of this act, such funds may be used in purchasing the right, title and interest of any or all counties that may have joined in the erection and maintenance of a district hospital for the care and treatment of tuberculosis. The management and control of such tuberculosis hospital shall be vested in a board of trustees as provided for in section 14 (**) of this act. Such board of trustees shall have all the powers conferred by law upon the board of trustees of a district hospital for tuberculosis, and all laws applicable to the appointment of employees and to the levy of taxes for the erection, operation and maintenance of a district hospital for tuberculosis, shall apply to said county hospital. (119 v. 727.)

(*) Section 15 is G. C. section 3139-14.

(**) Section 14 is G. C. section 3139-13.

Sec. 3139-16. (**Tuberculosis clinics.**) The board of trustees of a district hospital for tuberculosis or the board of trustees of a county hospital for tuberculosis, may, with the consent of the state department of health, establish and maintain one or more tuberculosis clinics, and employ such persons as are necessary properly to operate

same. Such clinics may be under the supervision of a city or general district board of health within the county. (119 v. 728.)

Sec. 3139-17. (**Employees may attend conferences, etc.; expenses.**) The board of trustees or officer in charge of such hospital or clinic may authorize any employees of any municipal, county or district hospital for tuberculosis or of a tuberculosis clinic to attend conferences where the care, treatment or prevention of tuberculosis are subjects for consideration and which are of such nature as to add to the technical skill and knowledge of such employees. The necessary expenses incurred in attendance at such conferences shall be paid from the maintenance fund of such hospital or clinic. (119 v. 728.)

Sec. 3139-18. (**County commissioners may contract for care, etc., of patients, when.**) Where a county has not provided a county hospital for tuberculosis or has not joined in a tuberculosis hospital district, or where a county tuberculosis hospital is not sufficiently large to provide proper care for all patients who should be hospitalized, the county commissioners may contract with the board of trustees of a county or district tuberculosis hospital, or with the proper officer of a municipal tuberculosis hospital, for the care, treatment and maintenance of residents of the county who are suffering from tuberculosis. The commissioners of the county in which such patients reside shall pay to the board of trustees of such county or district hospital, or into the proper fund of the municipality caring for such patients, the amount provided for in the contract. They shall also pay for the transportation of patients and attendants. The county commissioners of such county may also contract for the care and treatment of residents of the county suffering from tuberculosis with a general hospital properly equipped both as to personnel and facilities for the care and treatment of the tuberculous, or with a person, firm, association or corporation operating a hospital exclusively for the care and treatment of the tuberculous; but no contract shall be made unless such general hospital or private hospital has been inspected and approved by the state department of health. Such approval may be withdrawn and such contract shall be cancelled, if, in the judgment of the state department of health, such general hospital or private hospital is not properly managed. If such approval is withdrawn, the person, firm, association, or corporation operating such institution shall have the right to appeal to the public health council for a decision. (119 v. 728.)

Sec. 3139-19. (**Tuberculosis clinics established, etc., by county commissioners, when; control and supervision.**) In such counties as

do not operate a county hospital for tuberculosis, or in such counties as have joined in the construction of a district tuberculosis hospital and in which district the joint board of county commissioners shall fail or refuse to maintain tuberculosis clinics as provided in section 17 (*) of this act, the county commissioners of any such county may establish and maintain one or more tuberculosis clinics in the county and may employ physicians, public health nurses and other persons for the operation of such clinics or other means provided for the prevention, cure and treatment of tuberculosis and may provide by tax levies, or otherwise, the necessary funds for their establishment, maintenance, and operation. Clinics so established shall be under the control of the board of county commissioners and shall be supervised by a board of three trustees similar in all respects to and with all the powers enjoyed by a board of trustees of a county tuberculosis hospital; or by a city or general district board of health within the county as the board of county commissioners may designate. (119 v. 728.)

(*) Section 17 is G. C. section 3139-16.

Sec. 3139-20. (**Removal when menace to public, how made; notice to other state; expense of removal and maintenance, how paid.**) The board of health, upon a proper presentation of the facts, and upon the recommendation of the health commissioner of a city or general health district, shall have authority to order removed to a municipal, county or district hospital for tuberculosis, any person suffering from pulmonary tuberculosis, when in its opinion such person is a menace to the public health, and cannot receive suitable care and treatment at home; provided, however, that such person shall have the right to remove from the state. If such person shall remove from the state it shall be the duty of the health commissioner to notify immediately the health authorities of the state to which removal was made. The expense of removal of such person to a tuberculosis hospital and for his care, treatment and maintenance therein shall be paid by such person or by those legally responsible for the cost of his care, treatment and maintenance. The expense of removal, care, treatment and maintenance shall be paid by the county in which he has legal residence, if such person is unable to provide therefor. (120 v. H. 151. Eff. August 20, 1943.)

Sec. 3139-21. (**Tubercular cases may not be kept in county home; removal; expense.**) No person suffering from active tuberculosis shall be kept in any county home. Whenever complaint is made that a person is being kept or maintained in any county home in

violation of the requirements of this section, the state department of health shall make arrangements for the care, treatment and maintenance of such person in a tuberculosis hospital which has been approved by the state department of health. The cost of removal of such person to, and the cost of care, treatment and maintenance of such person in such hospital or institution shall become a legal charge against, and shall be paid by the county in which such person has a legal residence. If such person is not a legal resident of this state, then such expense shall be paid by the county maintaining the county home. Such patient shall be transferred to his legal domicile as soon as he is able to be removed, as determined by the medical superintendent of the hospital. Provided that such removal shall not be made without the consent of the inmate unless a suitable place outside the county home, approved by the state department of health, is provided for his care and treatment, or proper arrangements are made for his transfer to the state of his residence. (119 v. 729.)

Sec. 3139-22. (**Board of trustees may establish record bureau; cases of tuberculosis to be reported.**) The board of trustees of each district hospital and of each county hospital may establish a record bureau and appoint a director thereof and appoint such assistants as may be required to keep and maintain adequate records with respect to all known cases of tuberculosis within the county. It shall be the duty of all tuberculosis hospitals, tuberculosis clinics, general and private hospitals within the county, and all boards of health within the county to immediately report all cases of tuberculosis, which are or have become known to them, to such county record bureau and to supply it with such data with respect to such cases and with respect to the persons who live or work in close contact with such cases as it may request. (120 v. S. 112. Eff. August 19, 1943.)

Sec. 3282. (**Acquisition, maintenance, and operation of sanitary dumps; approval of site.**) The township trustees of any township are hereby authorized to secure, maintain and provide for sanitary dumps within their respective townships, if within their opinion such dumps are necessary and for this purpose the aforesaid trustees are hereby authorized to purchase, rent, lease or otherwise acquire such land as they deem suitable for dumping purposes. It is provided, however, that the selection of any site must have the approval of the local health department and the aforesaid dumps shall be maintained in a manner which meets the approval of the local health department. (119 v. 683.)

Sec. 3295-1. (**Township trustees may contract for collection and disposal of garbage and refuse.**) Township trustees of any township

or townships, either severally or jointly, may enter into written contracts with the proper municipal authorities or with independent contractors for the collection and disposal of garbage and refuse in whatever part of said township territory may be created by them as hereinafter provided into a waste disposal district or districts. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3295-2. **(Creation of waste disposal districts; protests; compulsory, when.)** The trustees may create a district under this act by a unanimous vote of the board and give notice thereof by a publication in two newspapers of general circulation in the township, provided, however, that if within thirty days after such publication, a protest petition be filed with the board, signed by at least fifty per cent of the electors residing in said district, then the act of the board in creating such district shall be null and void; provided, however, that if a petition be filed with the board asking for the creation of a district in said township, accompanied by a map clearly showing its boundaries, and signed by at least sixty-five per cent of the electors residing therein, with their addresses, then the trustees shall within sixty days create such district.

The territory to be created into a waste disposal district shall consist of at least two-thirds of same platted into lots. Each district shall be given a name, and the entire cost of any necessary equipment and labor shall be apportioned against each district by the respective trustees. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3295-3. **(Levy of tax for maintenance.)** The trustees of a township are authorized to levy in any year or years a sufficient tax within the ten mill limitation, upon all taxable property in the district or districts to provide and maintain such waste disposal service.

In the alternative the board of trustees of any township which has contracted for the collection or disposal of garbage or refuse on behalf of any district or districts may by resolution establish just and equitable rates or charges of rents to be paid to such township for the use and benefit of such service by every person, firm or corporation whose premises are served by same. Such charges shall constitute a lien upon the property served and if not paid when due, shall be collected in the same manner as other township taxes. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3295-4. **(Township officers not liable for damages.)** The township or its officers shall not be liable for damages from any cause whatsoever in performing this service. Private parties or firms entering a contract to perform said service shall carry public liability

and property damage insurance of an amount acceptable to the township trustees, and present proper evidence thereof to the township trustees. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3295-5. (**Duties of township clerk-treasurer; how funds used.**) The township clerk-treasurer shall be charged with the duty of collecting the service charges and of administering same under rules and regulations to be established by the board of trustees. All such funds shall be kept in a separate fund to be designated as the waste collection fund and shall be appropriated and administered by the trustees. The funds shall be used for the payment of costs of the management, maintenance and operation of the garbage and refuse collection and disposal system in the several districts. Funds collected from a district cannot be used for any other district. If a district be abandoned or discontinued, any balance remaining in the fund for that district shall be paid into the general fund of the township. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3295-6. (**Compensation of clerk-treasurer; bond; supplies.**) For the services in each fiscal year arising under this act, the clerk-treasurer shall be allowed such compensation as shall be fixed by the board of trustees, which shall be paid semi-annually and shall be charged back pro rata against each district as part of its operating cost. Any increase in the bond of the clerk-treasurer, which the trustees may require, and the costs of any necessary supplies shall also be pro-rated and charged back to each district. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3295-7. (**Collection of delinquent accounts.**) Annually, before October 1, the clerk-treasurer shall certify to the county auditor the names of the property owners and the description of their lands which are delinquent so far as the service charges are concerned, whereupon the auditor shall place same for collection upon the tax duplicate for the ensuing December installment of taxes. (120 v. H. 322. Eff. August 20, 1943.)

Sec. 3299-1. (**Deputy township clerk appointed, when and how; term; bond; compensation.**) When for any reason a township clerk is unable to carry out the duties of such office, on account of illness or because he has entered into the military service of the United States or is otherwise incapacitated or disqualified, the township trustees shall appoint a deputy clerk who shall have full power to discharge the duties of such office. Such deputy clerk shall serve during such period of time as the clerk is absent or incapacitated, or until a successor is elected and qualified. Before entering on the dis-

charge of his duties the deputy clerk appointed in accordance with this section shall give bond for the faithful discharge of his duties as required of the clerk in section 3300 of the General Code. The township trustees shall by resolution adjust and determine the compensation of the clerk and deputy clerk, provided that the total compensation of both clerk and any deputy clerk shall not exceed the amounts fixed by section 3308 of the General Code in any one year. (119 v. 226.)

Sec. 3391. **(Definitions.)** For the purposes of this act:

"Poor relief" means food, clothing, shelter, and other commodities and services necessary for subsistence, or the means of securing such commodities and services, furnished at public expense to persons in their homes, or, in the case of homeless persons, in lodging houses or other suitable quarters. Payments for shelter shall not exceed the average rental for comparable types of shelter in the area in which such shelter is provided. Average rentals shall be determined by local relief authorities subject to the approval of the state director. Poor relief may take the form of "work relief," "direct relief" or "medical care" as herein defined. "Poor relief," as herein used, shall be synonymous with "poor relief" as used in Amended Senate Bill No. 4, entitled, "An act to provide for submitting the question of levying additional taxes to the electors of the subdivision at a special election in the years 1939 and 1940, to authorize the making of such levy, and to amend section 5625-17a of the General Code, and to declare an emergency," passed May 17, 1939, approved May 22, 1939, and filed in the office of the secretary of state May 22, 1939, and in Amended Substitute Senate Bill No. 40, entitled, "An act to amend sections 6291 and 6309-2 of the General Code, relative to the levy and distribution of the motor vehicle license tax, and to declare an emergency," passed May 22, 1939, approved May 29, 1939, and filed in the office of the secretary of state May 29, 1939, and in other acts heretofore passed providing poor relief to needy persons.

The term "work relief" means poor relief given in exchange for labor or services.

The term "direct relief" means poor relief without the performance of work therefor.

"Medical care" means medicines and the services, wherever rendered, of a physician or surgeon or the emergency services of a dentist, furnished at public expense.

"State director" means the state director of public welfare.

"Public assistance" includes poor relief and also the following: aid for the aged as provided in sections 1359-2 to 1359-15b, both

inclusive, of the General Code; aid to dependent children, as provided by sections 1359-31 to 1359-45, both inclusive, of the General Code; support of children placed in boarding homes, as provided by sections 1352-3 and 1352-4 of the General Code; treatment and care of crippled children as provided by sections 1352-8 to 1352-9, both inclusive, of the General Code; aid to needy blind, as provided by sections 2965-1 to 2968-3, both inclusive, of the General Code; soldiers' relief, as provided by sections 2934 to 2941, both inclusive, of the General Code; care and support of persons in county homes or children in county children's homes; unemployment compensation, as provided by sections 1345-1 to 1345-33, both inclusive, of the General Code; workmen's compensation, as provided by sections 1465-37 to 1465-112, both inclusive, of the General Code, and all other forms of aid to recipients from public funds.

"Local relief authority" means the board or officer required by law or charter to administer or carry on poor relief in a local relief area.

"Local relief area" means the taxing district within and for which poor relief funds are expended. (118 v. 710.)

Sec. 3391-1. (**Local relief areas and authorities.**) Commencing on the first day of July, 1939, the territory in each county outside the corporate limits of cities therein shall be a local relief area hereinafter referred to as the "county local relief area," the local relief authority for which shall be the board of county commissioners of the county; and each city shall be a local relief area, the local relief authority for which shall be the proper board or officer of the city; provided, however, that any board of county commissioners, upon request of the township trustees of any township in the county, shall, by resolution adopted at any time after this act becomes effective, designate such township trustees to act as its agents in the administration of poor relief within such township to the extent provided in such resolution; provided, further, that the legislative authority of a city, on the one part, and board of county commissioners of the county in which the city or any part thereof is located, on the other part, may, under the provision of sections 2450-1 to 2450-6 of the General Code, and with the effect therein specified, enter into an agreement whereby such board of county commissioners is authorized to act as the local relief authority for and in behalf of the city; or the legislative authorities of two or more cities in a county may, under section 3615-1 of the General Code, enter into an agreement for the joint administration of poor relief within such cities; provided further that the legislative authority of any city within the

county may, by agreement with all other cities and the county act as the local relief authority for such cities and county upon such terms as may be agreed upon.

Such an agreement whereby the board of county commissioners is authorized to act as the local relief authority for and in behalf of a city, if entered into prior to the first day of July in any year, may provide that, for the purpose of tax levies for poor relief and the appropriation and expenditure thereof for one or more next ensuing fiscal years, the city shall be a part of the county local relief area, anything to the contrary in section 2450-2 of the General Code notwithstanding; in which event such city shall not, for the duration of such contract, have power to levy taxes for poor relief.

If the county local relief area is not coextensive with the county, it shall constitute a special taxing unit on the taxable property within which the county commissioners of the county shall have authority to levy a tax for poor relief and to the electors within which the county commissioners shall have authority to submit the question of a special levy outside of the ten mill limitation for such purpose in the manner provided by sections 5625-15 to 5625-18, both inclusive, of the General Code. The county treasurer shall be the treasurer of such county local relief area and all expenditures from the treasury of such county local relief area shall be governed by the appropriate provisions of law relative to the expenditure of moneys in the county treasury and by the provisions of this act. (118 v. 711.)

Sec. 339I-2. (**Administration of poor relief by local relief authorities.**) Local relief authorities shall administer poor relief in accordance with the following powers and duties:

1. In each local relief area, subject to the provisions of law, poor relief shall be furnished by the local relief authority to all persons therein in need of such poor relief. As required by the condition of the applicant, such poor relief may afford either partial or total, temporary or continuing support. Poor relief shall be dispensed on a budgetary basis, and may be furnished either in the form of cash, or commodities and services, or both. Poor relief shall be granted only after sworn application therefor and proper home investigation to ascertain facts of need and available means of support. Thereafter, so long as poor relief is continued, there shall be re-application at intervals within three months and such further investigation and visitation from time to time as may be necessary to secure prompt information of any changes in the condition of recipients affecting their need of poor relief. Reasonable effort shall be made to secure

support from persons responsible by law and from other sources as a means of preventing or reducing relief at public expense.

2. No person shall be eligible for poor relief if, being able and competent to perform labor, he shall refuse work relief or shall refuse employment, if available, except at a place where there is a labor dispute, when offered at reasonable wages and under reasonable conditions as determined by the local relief authority; or if, for the purpose of rendering himself eligible for poor relief, he has made an assignment or transfer of property within the two years immediately preceding his application for such poor relief. Except in case of emergency, every employable person applying for poor relief, before receiving poor relief, shall register with the free public employment service. Any person receiving poor relief may engage in temporary or partial employment and while so employed, his poor relief shall be adjusted accordingly.

3. No person who has illegally entered the United States shall be eligible for poor relief under this act; provided, however, that when the applicant claims legal entry, poor relief may be granted pending the investigation thereof. Every alien applicant shall submit for inspection his immigrant identification card or furnish information relative to his entry into the United States. No alien shall be eligible for poor relief until he shall have declared his intention of becoming a citizen of the United States of America as provided by law or until he satisfies the local relief authority that he will apply for his naturalization papers within sixty days from the date of making application for poor relief.

4. The following persons shall not be deemed eligible for poor relief in this state:

a. Those who have removed or departed from the state of Ohio and have obtained a legal settlement for poor relief purposes in another state.

b. Those who have removed or departed from the state of Ohio, not maintaining a residence therein, and have resided or sojourned in another state for such period of time as under the laws of that state, under like circumstances, would operate to terminate a like settlement in that state of one previously resident therein.

c. Those who have removed or departed from the state of Ohio and have sojourned outside the state of Ohio for a period of more than four years.

5. If and when any local relief authority in consultation with the recipient shall deem it to be in the general public interest and for the benefit of persons receiving poor relief, the costs of transporta-

tion of such persons and their property to other places may be paid by such authority, subject to rules prescribed by the state director.

6. Poor relief shall be inalienable whether by way of assignment, charge, or otherwise, and exempt from execution, attachment, garnishment, or other like process.

7. There shall be created in each county a central clearing office for the purpose of keeping records of all persons in the county receiving public assistance after the effective date of this act. Such records shall set forth the kind of public assistance granted to each person as well as any other information required by the state director; provided, however, that the state director may dispense with the establishment of a central clearing office in a county wherein records, in his judgment sufficient for the purpose, are maintained by either a public or a private agency. The board of county commissioners shall have authority to appoint the necessary assistants in the central clearing office. Such assistants shall be exempt from the provisions of sections 486-1 to 486-30, both inclusive, of the General Code.

8. Except as modified by the provisions of this act, section 3476 and other sections of the General Code of like purport shall remain in full force and effect and nothing in this act shall be construed as altering, amending, or repealing the provisions of section 3476 of the General Code, relative to the obligation of the county to provide or grant relief to those persons who do not have the necessary residence requirements and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such that they cannot be satisfactorily cared for except at the county infirmary or under county control.

9. The moneys received by a county under any law other than this act providing for the distribution of state funds to counties for poor relief shall be paid into the county treasury to the credit of the proper funds therein; but in counties containing two or more local relief areas, or part or parts thereof, the proportional share of the county relief area as determined by the provisions of this act shall be paid into the treasury of the county relief area, and the proportional shares of the cities shall be distributed and paid by the county treasurer on the order of the county auditor to the treasurer of each city entitled thereto. Such distribution shall be made in proportion to the obligations incurred for poor relief in the respective local relief areas, and part or parts thereof in the county, during the calendar month next preceding the receipt of such moneys.

Nothing herein shall be construed to repeal any law authorizing the county commissioners to issue bonds for poor relief purposes; but

the proceeds of any such bonds shall, in a county containing two or more local relief areas, or part or parts thereof, be distributed between said local relief areas in proportion to the obligations incurred for poor relief in such respective poor relief areas, and part or parts thereof, during the calendar month next preceding the adoption of the resolution providing for the issuance of such bonds. A like apportionment shall be made whenever, and as of the date when a contract whereby a city surrenders its power to levy taxes for poor relief shall expire, unless such contract shall have been renewed or extended.

Local relief authorities shall not disburse any funds through any private organization.

10. Whenever poor relief shall have been furnished to a recipient for whose support another person is by law responsible, such other person shall, in addition to the liability otherwise imposed by law as a consequence of failure to support such recipient, be liable for all poor relief furnished to such recipient; and the value of the poor relief so furnished may be recovered in a civil action brought in the name of the state on the relation of the local relief authority in any court of competent jurisdiction.

11. Any person who receives poor relief as a result of misrepresentation or withholding information as to his needs or resources, or who continues to accept such poor relief when no longer in need of such poor relief, shall be guilty of a misdemeanor, and shall upon conviction be fined not more than twenty-five dollars and costs or imprisoned for not more than thirty days or both. In such case the local relief authorities may institute a civil action for the recovery of the value of such relief so received.

12. All poor relief orders or payments shall be given to the recipient in person upon his appearance at the office of the local relief authority or at sub-stations approved by the state director, unless the recipient can show to the local relief authority good cause why he cannot appear in person. (118 v. 712.)

Sec. 3391-3. (**Powers and duties of state director.**) The state director shall have the following powers and perform the following duties:

1. To study problems of poor relief; to approve budgetary standards for poor relief; to develop plans and procedures for the more effective administration of poor relief, and to advise with local relief authorities as to the conduct of such services; to adopt and promulgate rules governing the administration of poor relief by local relief authorities. Unless otherwise provided by law, all such rules shall be promulgated by mailing a certified copy thereof to each local relief

authority and filing a certified copy thereof in the office of the secretary of state.

2. To request and receive advice, assistance and information from any federal, state or local governmental agency and to furnish, upon request, to the United States department of labor, bureau of immigration and naturalization, the names of all alien applicants for poor relief and information relative to their entry into the United States.

3. To cooperate with agencies of the federal, state and local governments, and with private organizations engaged in the administration or financial support of activities pertaining either directly or indirectly to poor relief, and to coordinate his efforts therewith so far as it seems practicable and advisable.

4. To require such reports as he may deem necessary from local relief authorities, either directly, or through any county officer or board, and from such officer or board, in such form as he shall prescribe.

5. To examine from time to time the administration of poor relief by local relief authorities and to issue written notice to any such authority relative to changes he may deem necessary for the improvement of local poor relief administration or relative to the violation of the poor relief laws of the state or the rules and regulations of the state director, and calling upon such authority to appear at a time and place specified in such notice and show cause why such changes should not be effected or such violations should not cease. After the hearing to show cause the state director shall make a written order and forthwith serve a copy thereof upon the local relief authority, and until such order is complied with no further contribution of funds shall be made under section 12 (*) of this act.

6. To establish a procedure under which a thorough cooperation is maintained between local relief authorities and federal agencies.

7. To investigate the eligibility of recipients of poor relief. He may purchase credit reports and services to establish the eligibility of recipients of poor relief. He shall order copies of all such reports and services to be furnished to the proper local relief authority. Ineligibles shall be denied poor relief as soon as the state director shall inform the local relief authority of such ineligibility.

8. To appoint the employees necessary in the administration of his powers and duties under this act, and to fix their compensation and prescribe their duties. (118 v. 715.)

(*) Section 12 is G. C. section 3391-11.

Sec. 3465. (**Abandoned burial ground; removal of bodies and stones.**) When any burial ground, public or private, has been abandoned, or when the trustees of a township, or the trustees or directors of a cemetery association, are of the opinion that the further use for burial purposes of any cemetery or burial ground will be detrimental to public welfare or health, and a cemetery or burial ground in the near vicinity thereof is open for public use, such township trustees in every such case, or, in case of a cemetery association, the trustees or directors thereof, may order such cemetery or burial ground to be discontinued, and provide for the removal of all bodies therein buried, and for the removal of all stones and monuments marking the graves thereof, and for the re-interment of such bodies and the re-erection of such stones and monuments in suitable and public ground in the near vicinity, and pay therefor from the township treasury. They shall before providing for any such removal, first cause notice to be given to the family, friends or kindred of the deceased, if known to them of such order and of the time within which, not less than thirty days, such removal must be made, and that it is desired that such removal be made by the friends or kindred of the dead. If at the expiration of such time such removals have not been made, the trustees or the board, as the case may be, may cause them to be made as hereinbefore provided. (101 v. 201.)

Sec. 3466. (**May sell burial grounds at public sale.**) After due notice thereof has been first given in two newspapers of the county, of general circulation, township trustees and trustees and boards of directors of cemetery associations may dispose of, at public sale, and make conveyance of any burial grounds under their control that they have determined to discontinue as burial grounds, but possession thereof shall not be given to a grantee until after the dead therein buried, together with stones and monuments, have been removed as hereinbefore provided. (73 v. 33.)

Sec. 3467. (**Disinterment of body buried in cemetery.**) The trustees or board of any cemetery association, or other officers having control and management of a cemetery, shall disinter or issue a permit for disinterment, and deliver any body buried in such cemetery, on application of the next of kin of the deceased, being of full age and sound mind, to such next of kin, on payment of the reasonable cost and expense of disinterment. No such disinterment shall be made during the months of April, May, June, July, August and September, and in no event if the deceased died of a contagious or infectious disease, until a permit has been issued by the local health department. (91 v. 231.)

Sec. 3468. **(Form of application.)** Such application shall be in writing and shall state the relation of the applicants to the deceased, that the applicants are the next of kin of the deceased, of full age and sound mind, the disease of which the deceased died, where the body shall be reinterred, and shall be subscribed and verified by oath. (91 v. 231.)

Sec. 3469. **(Writ of mandamus.)** If such trustees or board or other officers in charge of the cemetery refuse to issue a permit for disinterment, there shall be issued by the court of common pleas of the county wherein the cemetery is situated, a writ of mandamus requiring such trustees or board or other officers to issue such permit. (91 v. 231.)

Sec. 3470. **(When dead may be removed.)** When the dead laid in any vault or other receptacle becomes offensive, on complaint of any householder of the township, the trustees shall issue an order forthwith to the sexton or other person in charge, to have such body immediately interred. If such interment is neglected for three days after the complaint, any justice of the peace of the township may issue his written order to any householder of the township to inter the dead at the expense of the trustees, and shall allow a reasonable charge for such service. (R. S. Sec. 1471.)

Sec. 3471. **(Certain burying grounds may be transferred to township trustees.)** When a public burying ground in a township is not under the control of a municipal corporation and the title or control thereof is vested in an association or trustees thereof, or is vested in a religious society, whether incorporated or not, or the trustees thereof, and such burying ground is used exclusively for cemetery purposes, such association, society, or the trustees thereof may convey such grounds to the trustees of the township and their successors in office. Subject to the rights of the original grantor, his heirs or assigns, the trustees of such township shall accept and take possession of such grounds, and take care of, keep in repair, hold, treat and manage them in all respects as required by law relating to public burying grounds in and belonging to such township. (106 v. 305.)

Sec. 3472. **(Abandonment of cemetery owned by city or village.)** Where a graveyard, burial ground or cemetery is located without the corporate limits of a city or village, and not further therefrom than one mile, and the title to and possession thereof is in such city or village, or is under the control of any of the authorities of a city or village, and such city or village has failed to protect or keep it

enclosed with fences for two years, any five freeholders whose property is in the vicinity of such graveyard, burial-ground or cemetery, may apply by petition to the probate court of such county, stating in their petition that such city or village has failed to protect such graveyard, burial-ground or cemetery, and asking for its abandonment or removal. In such action such city or village shall be made defendant, and served with summons as in other actions. Upon final hearing, if it appears to the court to be to the public interest to have such graveyard, burial-ground or cemetery abandoned and removed, it shall so order. (R. S. Sec. 1473a.)

Sec. 3473. (**Proceedings if city or village neglects order.**) Should such city or village fail to remove such graveyard, burial-ground or cemetery for a period of six months after it has been so ordered by the court, the court shall order such premises sold as upon execution. Such sale or other transfer of such land shall not operate to give a purchaser possession until the bodies therein interred shall have been removed, as provided by law for the abandonment of cemeteries in cities and villages. (R. S. Sec. 1473a.)

Sec. 3476. (**Trustees and municipal officers shall afford relief.**) Subject to the conditions, provisions and limitations herein, the trustees of each township or the proper officers of each city therein, respectively, shall afford at the expense of such township or municipal corporation public support or relief to all persons therein who are in condition requiring it. It is the intent of this act that townships and cities shall furnish relief in their homes to all persons needing temporary or partial relief who are residents of the state, county and township or city as described in sections 3477 and 3479. Relief to be granted by the county shall be given to those persons who do not have the necessary residence requirements, and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such they cannot be satisfactorily cared for except at the county infirmary or under county control. When a city is located within one or more townships, such temporary relief shall be given only by the proper municipal officers, and in such cases the jurisdiction of the township trustees shall be limited to persons who reside outside of such a city. (108 v. Pt. 1, 272.)

Sec. 3477. (**"Legal settlement" defined.**) Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided and supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which inves-

tigates and keeps a record of facts relating to persons who receive or apply for relief. No adult person coming into this state and having dependents residing in another state, shall obtain a legal settlement in this state so long as such dependents are receiving public relief, care or support at the expense of the state, or any of its civil divisions, in which such dependents reside. (117 v. 806.)

Sec. 3478. **(Defense of trustees in action for non-support of pauper.)** In an action to compel the support or relief of a pauper, or in an action based upon the refusal of such officers to afford support or relief to any person, it shall be a sufficient defense for the township trustees, or proper municipal officers to show that such person, during the period necessary to obtain a legal settlement therein has been supported in whole or in part by others with the intention to thereby make such person a charge upon such township or municipal corporation. The fact that such person, during the period necessary to obtain a legal settlement therein, has been supported in whole or in part by others shall be prima facie evidence of such intention. (R. S. Sec. 1492a.)

Sec. 3479. **(Who considered having legal settlement.)** A person having a legal settlement in any county in the state shall be considered as having a legal settlement in the township, or municipal corporation therein, in which he has last resided continuously and supported himself for three consecutive months without relief, under the provisions of law for the relief of the poor, or from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief. When a person has for a period of more than one year not secured a legal settlement in any county, township or city in the state, he shall be deemed to have a legal settlement in the county, township or city where he last has such settlement. (112 v. 157.)

Sec. 3480. **(Relief, medical and hospital service, how obtained; notice to trustees or officers.)** When a person in a township or municipal corporation requires public relief, or the services of a physician or surgeon, complaint thereof shall be forthwith made by a person having knowledge of the fact to the township trustees, or proper municipal officer. If medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to such poor, the physician called or attending shall immediately notify such trustees or officer, in writing, that he is attending such person, and thereupon the township or municipal corporation shall be liable for relief and services thereafter rendered such person. If such services consist of hospital care rendered such person, such

hospital shall be paid such amount as may be agreed upon by such trustees or proper officers and such hospital, or if no such agreement is made, then such hospital shall be paid the established ward rate for such care in such hospital. If such notice be not given within three days after such relief is afforded or services begin, the township or municipal corporation shall be liable only for relief or services rendered after notice has been given. Such trustees or officer, at any time may order the discontinuance of such services, and shall not be liable for services or relief thereafter rendered. (120 v. H. 327. Eff. September 16, 1943.)

Sec. 3480-1. (**Municipality or township of legal settlement of indigent person liable for medical services.**) When an indigent person requiring medical services or the services of a hospital, in cases other than contagious, has a legal settlement in a municipality or township within the same county but other than that in which the service is rendered, and such person is unable to pay the expenses of such service, the county, municipality or township rendering such service shall notify, in writing, the proper officials of the municipality or township of legal settlement of such person that services are being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service or admission to such hospital, or within three days after discovery of such fact if the same be not disclosed as above. Thereupon the municipality or township of legal settlement shall be liable for such services at the established rate of the county, municipality or township rendering such service and shall pay for the same within thirty days after date of the sworn statement covering such expenses, which sworn statement shall be sent to the proper officials of the municipality or township of legal settlement within twenty days after the discharge of such person. If the notice of such service be not sent to the municipality or township of legal settlement within three days after the disclosure of such person or the discovery of such non-residence, such municipality or township shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal of such person, or the assumption of care of such person, by the municipality or township of legal settlement, at its expense, but such removal or assumption shall not relieve such municipality or township from liability for the expenses theretofore incurred by the county, municipality or township rendering such service. The municipality or township of legal settlement is hereby subrogated to all the rights of the county, municipality or township rendering such service to such person. (118 v. 431.)

Sec. 3481. (**Proper officers shall visit persons requiring relief; examination and report.**) When complaint is made to the township trustees or to the proper officers of the municipal corporation that a person therein requires public relief or support, one or more of such officers, or some other duly authorized person, shall visit the person needing relief, forthwith, to ascertain his name, age, sex, color, nativity, length of residence in the county, previous habits and present condition and in what township and county in this state he is legally settled. The information so ascertained shall be transmitted to the township clerk, or proper officer of the municipal corporation, and recorded on the proper records. No relief or support shall be given to a person without such visitation or investigation, except that within counties, where there is maintained a public charity organization, or other benevolent association, which investigates and keeps a record of facts relating to persons who receive or apply for relief, the infirmaries superintendents, township trustees or officers of a city shall accept such investigation and information and may grant relief upon the approval and recommendation of such organization. Every reasonable effort shall be made by the township trustees and municipal officers to secure aid from relatives and interested organizations before granting relief from public funds. (108 v. Pt. 1, 272.)

Sec. 3482. (**Removal of foreign paupers to their own county; removal expenses.**) When it has been so ascertained that a person requiring relief has a legal settlement in some other county of the state, such trustees or officers shall immediately notify the infirmary superintendent of the county in which the person is found, who, if his health permits, shall immediately remove the person to the infirmary of the county of his legal settlement. If such person refuses to be removed, on the complaint being made by the infirmary superintendent, the probate judge of the county in which the person is found shall issue a warrant for such removal, and the county wherein the legal settlement of the person is, shall pay all expenses of such removal and the necessary charges for relief and in case of death the expense of burial if a written notice is given the county commissioners thereof within twenty days after such legal settlement has been ascertained. (108 v. Pt. 1, 273.)

Sec. 3483. (**Notice to other county; action for recovery.**) Upon refusal or failure to pay such expenses, such board of county commissioners may be compelled so to do by a civil action against them by the board of county commissioners of the county from which such person is removed, in the court of common pleas of the county to which such removal is made. If such notice is not given within

twenty days after such board of county commissioners ascertain such person's residence, and within ninety days after such relief has been afforded, the board of county commissioners where such person belongs shall not be liable for charges or expenditures accruing prior to such notice. (108 v. Pt. 1, 273.)

Sec. 3484. (Removal of indigent persons to their own counties.)

When the trustees of a township, or proper officers of a municipal corporation in a county in the state in which there is no county infirmary ascertain that any person, requiring relief, in such township or municipal corporation has a legal settlement in another county of the state, they shall immediately notify the board of county commissioners thereof to remove such person to the infirmary of such county. Should his health permit, such board of county commissioners shall immediately remove such person to their infirmary, and, if within twenty days after such legal settlement is ascertained, a written notice is given them, to pay all expenses theretofore incurred for his relief in the township or municipal corporation in which such person is found. Upon their refusal or failure to so remove such person, the trustees of such township, or proper officers of a municipal corporation, may furnish him the necessary relief and collect the amount thereof from such board of county commissioners by a civil action, in the name of such township trustees, or of such municipal officers in the court of common pleas of the county in which such infirmary is situated. (112 v. 157.)

Sec. 3484-1. (Action when indigent persons refuse to be removed to their own counties.) If a person requiring relief whose legal settlement has been ascertained to be in some other county of the state refuses to be removed thereto, pursuant to G. C. section 3482 or to G. C. section 3484, on complaint being made by the officer whose duty it is to remove him, the probate judge of the county in which the person is found shall issue a warrant for such removal. In addition to all other proceedings for the removal of a person requiring relief to another county of the state wherein his legal settlement may be, the township trustees or the proper officers of the municipal corporation in which a person requiring public relief is found or resident taxpayer of the county may institute proceedings in the probate court of such county to determine the legal settlement of such person and procure his removal thereto. Such proceedings shall be by petition which shall be sufficient if it states the facts required by G. C. section 3481 to be ascertained. The county commissioners of the county in which such person is alleged to have a legal settlement shall be made parties and summons issued to them as in civil actions.

The proceedings may be set down for hearing at any time after the return day of the summons and shall be deemed at issue without further pleading. If upon the evidence the person is found to require public relief or support and that he is legally settled in the township and county alleged in the petition a warrant for his removal to said county shall be issued by the probate judge and judgment shall be rendered for costs and all charges and expenditures for which the commissioners of said county shall be liable by virtue of notice similar to that provided for in G. C. sections 3482 and 3483 which notice for the purpose of action herein provided for may be given by a board, officer or person authorized to bring such action. (112 v. 158.)

Sec. 3484-2. (Proceedings when indigent person furnished with medical services in county other than county of legal settlement.)

When a person requiring medical services or the services of a hospital, in cases other than contagious, has a legal settlement in a county other than the one in which such service is rendered, and is unable to pay the expenses of such service, and such service is rendered by a county, municipality or township, the county, municipality or township rendering such service shall notify in writing the county commissioners of the county of legal settlement that such service is being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service, or admission to such hospital, or within three days after the discovery of such fact, if the same be not disclosed as above. Within twenty days after the discharge of such person, or the rendering of the last service, the county, municipality or township rendering such service shall send a notice thereof, and a sworn statement of its expenses, at the established rate of the county, municipality or township therefor, to the county commissioners of the county of legal settlement. Thereupon the county of legal settlement shall be liable to the county, municipality or township rendering such service for the expenses of such service, including hospital service, at the established rate of the county, municipality or township therefor, and shall pay for the same within thirty days after date of the sworn statement of expenses. If the notice of the rendering of such service, required to be sent by the county, municipality or township rendering the same, be not sent within three days after the disclosure by such person or the discovery of such non-residence, the county of legal settlement shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal or assumption of care of such person by the county of legal settlement, at its expense, but

such removal or assumption shall not relieve such county of liability for the expenses theretofore incurred by the county, municipality or township rendering such service. The county of legal settlement is hereby subrogated to all the rights of the county, municipality or township rendering such service to such person. (118 v. 432.)

Sec. 3495. **(Burial of dead in certain cases.)** When the dead body of a person is found in a township or municipal corporation, and such person was not an inmate of a penal, reformatory, benevolent or charitable institution, in this state, and whose body is not claimed by any person for private interment at his own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with the provisions of section 9984, it shall be disposed of as follows: If he were a legal resident of the county, the proper officers of the township or corporation in which his body was found shall cause it to be buried at the expense of the township or corporation in which he had a legal residence at the time of his death; if he had a legal residence in any other county of the state at the time of his death, the infirmiry superintendent of the county in which his dead body was found shall cause it to be buried at the expense of the township or corporation in which he had a legal residence at the time of his death, but if he had no legal residence in the state, or his legal residence is unknown, such infirmiry superintendent shall cause him to be buried at the expense of the county.

(Marker at grave.) It shall be the duty of such officials to provide at the grave of such person, a stone or concrete marker on which shall be inscribed the name and age of such person, if known, and the date of death. (108 v. Pt. 1, 274.)

Sec. 3496. **(Pauper dying in benevolent institution; burial of by county.)** In a county in which is located a state benevolent institution, the board in control of said institution shall pay all expenses of the burial of a pauper that dies in such institution, except when the body is delivered in accordance with the provisions of section 9984 of the General Code, and send an itemized bill of the expenses thereof to the county commissioners of the county from which the pauper was sent to the institution. Such county commissioners shall immediately pay the bill to such board in control. (103 v. 58.)

Sec. 3615. **(General powers of municipalities.)** Each municipal corporation shall be a body politic and corporate, which shall have perpetual succession, may use a common seal, sue and be sued, and acquire property by purchase, gift, devise, appropriation, lease, or lease with the privilege of purchase, for any municipal purpose

authorized by law, and hold, manage and control it and make any and all rules and regulations, by ordinance or resolution, that may be required to carry out fully all the provisions of any conveyance, deed or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property. (102 v. 40.)

Sec. 3615-1. (**Joint construction or management of inter-municipal improvement; provisions; issue of bonds.**) Two or more municipalities may enter into an agreement for the joint construction or management, or construction and management, of any public work, utility or improvement, benefiting each municipality, or for the joint exercise of any power conferred on municipalities by the constitution or laws of Ohio, in which each of such municipalities is interested. Any such agreement shall be approved by ordinance passed by the legislative body of each municipality party thereto, which ordinance shall set forth the agreement in full, and when so approved shall be a binding contract between such municipalities. Any agreement so entered into, shall provide (a) for the method by which the work, utility or improvement specified therein shall be jointly constructed or managed; (b) for the method by which any specified power or powers shall be jointly exercised; and (c) for apportioning among the contracting municipalities any cost or expense of jointly constructing, maintaining or managing any work, utility or improvement or jointly exercising any power; and any such agreement may provide, (a) for assessing the cost, or any specified part of the cost, of the joint construction, maintenance or management of any public work, utility or improvement upon abutting property specially benefited thereby, or (b) for assessing the cost, or any specified part of the cost, of constructing, maintaining or managing any such public work, utility or improvement upon the property within any district clearly specified in such agreement, in proportion to benefits derived by such property from such work, utility or improvement. Each such municipality may issue bonds for its portion of the cost of any such public work, utility or improvement, where the provisions of the general law would authorize the issuance of such bonds in the event such municipality alone were undertaking the construction of such public work, utility or improvement, and, subject to the same conditions and restrictions which would then apply to such municipality. (III v. 508.)

Sec. 3616. (**Powers of ordinance or resolution.**) All municipal corporations shall have the general powers mentioned in this chapter, and council may provide by ordinance or resolution for the exercise and enforcement of them. (99 v. 5.)

Sec. 3619. **(Water supply.)** To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs, and water-works, for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof. To apply moneys received as charges for water to the maintenance, construction, enlargement and extension of the works, and to the extinguishment of any indebtedness created therefor. (99 v. 34.)

Sec. 3621. **(Hospitals.)** To provide for the rent and compensation for the use of any existing free public hospital established and managed by a private corporation or association organized for that purpose. (99 v. 9.)

Sec. 3622. **(Cemeteries and crematories.)** To provide public cemeteries and crematories for the burial or incineration of the dead and to regulate public and private cemeteries and crematories. (99 v. 7.)

Sec. 3628. **(Misdemeanor.)** To make the violation of ordinances a misdemeanor, and to provide for the punishment thereof by fine or imprisonment, or both, but such fine shall not exceed five hundred dollars and such imprisonment shall not exceed six months. (99 v. 9.)

Sec. 3629. **(Establish and care for streets.)** To lay off, establish, plat, grade, open, widen, narrow, straighten, extend, improve, keep in order and repair, light, clean and sprinkle, streets, alleys, public grounds, places and buildings, wharves, landings, docks, bridges, viaducts, and market places, within the corporation, including any portion of any turnpike or plank road therein, surrendered to or condemned by the corporation. (99 v. 7.)

Sec. 3631. **(Power to acquire, hold and lease lands, with power to sell or donate.)** To hold and improve public grounds, parks, park entrances, free recreation centers and boulevards, and to protect and preserve them. To acquire by purchase, lease, or lease with privilege of purchase, gift, devise, condemnation or otherwise and to hold real estate or any interest therein and other property for the use of the corporation and to sell or lease it, or to donate the same by deed in fee simple to the state of Ohio as a site for the erection of an armory. (102 v. 153.)

Sec. 3632. **(Vehicles, and use of streets.)** To regulate the use of carts, drays, wagons, hackney coaches, omnibuses, automobiles, and every description of carriages kept for hire or livery stable purposes; to license and regulate the use of the streets by persons who use vehicles, or solicit or transact business thereon; to prevent and

punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public highways; to regulate the transportation of articles through such highways and to prevent injury to such highways from overloaded vehicles, and to regulate the speed of interurban, traction and street railway cars within the corporation. (99 v. 6.)

Sec. 3633. **(Impounding animals.)** To regulate, restrain and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, chickens and other fowls and animals, and to impound and hold them, and on notice to the owners, to authorize the sale of them for the penalty imposed by any ordinance, and the cost and expenses of the proceedings; to regulate or prohibit the running at large of dogs, and provide against injury and annoyance therefrom, and to authorize the disposition of them when running at large contrary to the provisions of any ordinance. (99 v. 6.)

Sec. 3634. **(Auctioneering.)** To regulate auctioneering; to regulate, license or prohibit the sale at auction of goods, wares and merchandise or of live domestic animals at public places within the corporation; and to regulate, license or prohibit the selling of goods, merchandise or medicines on the streets. (99 v. 6.)

Sec. 3636. **(Erection of buildings.)** To regulate the erection of buildings and the sanitary condition thereof, the repair of, alteration in and addition to buildings, and to provide for the inspection of buildings or other structures and for the removal and repair of insecure buildings; to require, regulate and provide for the numbering and renumbering of buildings either by the owners or occupants thereof or at the expense of the municipality; to provide for the construction, erection, operation of and placing of elevators, stairways and fire escapes in and upon buildings. (103 v. 263.)

Sec. 3637. **(Erection of fences, signs; construction and repair of wires, poles, plants; licensing, house movers, electrical contractors, plumbers, etc.)** To regulate the erection of fences, billboards, signs and other structures, within the corporate limits, and to provide for the removal and repair of, insecure billboards, signs and other structures; to regulate the construction and repair of wires, poles, plants and all equipment to be used for the generation and application of electricity; to provide for the licensing of house movers, electrical contractors, plumbers and sewer tappers and vault cleaners. (103 v. 93.)

Sec. 3638. **(Market places.)** To establish, erect, maintain, protect and regulate public halls, public buildings and market houses and

by and with the consent of the abutting property owner or owners, or their lessee or lessees, to establish, maintain, protect and regulate, a market place or places, upon or on any street, square or public grounds or part thereof, within the municipality. (99 v. 8.)

Sec. 3639. **(Sanitation.)** To regulate by ordinance, the use, control, repair and maintenance of buildings used for human occupancy or habitation, the number of occupants, and the mode and manner of occupancy, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof; to compel the owners of such buildings to alter, re-construct or modify them, or any room, store, compartment or part thereof, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof, and to prohibit the use and occupancy of such building or buildings until such rules, regulations and provisions have been complied with. (99 v. 124.)

Sec. 3646. **(Contagious diseases.)** To provide for the public health, to secure the inhabitants of the corporation from the evils of contagious, malignant and infectious diseases, and to purchase or lease property or buildings for pest houses and to erect, maintain and regulate pest houses, hospitals and infirmaries. (99 v. 7.)

Sec. 3646-1. **(Council of municipality may provide for maintenance of physician, when; tax levy; election; anticipatory notes.)** The council of a municipality that is inaccessible from the mainland at some time of the year for any reason, may provide for the maintenance of a physician when in the opinion of a majority of the members of council it is necessary for the preservation of the public health and welfare. To provide for such maintenance an additional tax may be levied upon all the taxable property in the municipality, in such amount as the council may determine. The question of levying such tax, and the amount thereof, shall be separately submitted to the qualified electors of the municipality at a general or special election. Twenty days' notice thereof shall be previously given by posting in at least three public places in the municipality. Such notice shall state specifically the amount to be raised and the purpose thereof. If a majority of all votes cast at such election upon the proposition are in favor thereof, the tax provided for shall be authorized.

Upon authorization of the tax levy herein the members of council are hereby authorized to issue notes in anticipation of such revenues to mature in not more than two years from the date of issue and to bear interest at not more than four per cent per annum. (119 v. 12.)

Sec. 3647. (**Water-courses and sewers.**) To open, construct and keep in repair sewage disposal works, sewers, drains and ditches, and to establish, repair and regulate water-closets and privies. (99 v. 8.)

Sec. 3647-1. (**Drainage, in municipal corporations.**) To cause any lot or land within the corporate limits on which water at any time accumulates and becomes stagnant, in a way prejudicial to the public health, convenience or welfare, by reason of not having natural drainage outlet, or which can not be drained by natural channels, to be drained by artificial means at the expense of the corporation. In case such drainage is beneficial to the owner of any lot or land so drained, then the owner of said lot or land shall bear that part of the expense of said drainage in proportion to the benefits which may result from the improvement in accordance with the provision for assessment as contained in section thirty-eight hundred and twelve of the General Code. (101 v. 241.)

Sec. 3648. (**Public conveniences.**) To establish, maintain and regulate public baths and bath houses, drinking fountains, water troughs, and public toilet stations, and municipal lodging houses. (100 v. 53.)

Sec. 3649. (**Garbage.**) To provide for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals and animal offal and to establish, maintain and regulate plants for the disposal thereof. (99 v. 9.)

Sec. 3650. (**Power to abate nuisance and prevent injury.**) To cause any nuisance to be abated, to prosecute in any court of competent jurisdiction, any person or persons who shall create, continue, contribute to or suffer such nuisance to exist; to regulate and prevent the emission of dense smoke, to prohibit the careless or negligent emission of dense smoke from locomotive engines, to declare each of the foregoing acts a nuisance, and to prescribe and enforce regulations for the prevention thereof; to prevent injury and annoyance from the same, to regulate and prohibit the use of steam whistles, and to provide for the regulation of the installation and inspection of steam boilers and steam boiler plants. (102 v. 62.)

Sec. 3652. (**Inspection.**) To provide for the inspection of spirits, oils, milk, breadstuffs, meats, fish, cattle, milk cows, sheep, hogs, goats, poultry, game, vegetable and all food products. (99 v. 8.)

Sec. 3653. (**Powers to fill lots and remove obstructions.**) To cause any lot or land within its limits on which water at any time becomes stagnant, to be filled up or drained, all putrid substances to

be removed from any lot, and the removal of all obstructions from all culverts or covered drains or private property, laid in any natural water-course, creek, brook or branch, where they obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood, and if such culverts or drains be of insufficient capacity, to cause them to be made of such capacity as reasonably to accommodate the flow of such water at all times therein. The council may direct, by resolution, the owner to fill up or drain such lot, remove such putrid substance, or remove such obstructions, and if necessary enlarge such culverts or covered drains to meet the requirements thereof. (66 v. 225.)

Sec. 3654. **(Duty of owner to comply with direction.)** After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in such corporation for two consecutive weeks, such owner, or his agent or attorney shall comply with the directions of the resolution within the time therein specified. (66 v. 225.)

Sec. 3655. **(May be done at the owner's expense in case of refusal or neglect.)** In case of failure or refusal to comply with the resolution, the work required thereby may be done at the expense of the corporation, and the amount of money so expended shall be recovered from the owner before a justice of the peace, or any court of competent jurisdiction. Such expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the court of common pleas of the proper county, and like proceedings may be had as directed in relation to the improvement of streets. (66 v. 225.)

Sec. 3656. **(Health officers shall enforce provisions.)** The officers connected with the health department of every such municipal corporation shall see that the provisions of the preceding three sections are strictly and promptly enforced. (66 v. 225.)

Sec. 3658. **(Preserve peace and protect property.)** To prevent riot, gambling, noise and disturbance, indecent and disorderly conduct or assemblages, and to preserve the peace and good order, and to protect the property of the corporation and its inhabitants. (99 v. 5.)

Sec. 3658-1. **(Police and sanitary regulations for lands outside municipality.)** A municipal corporation owning and using lands beyond its corporate limits for a municipal purpose shall have the power to provide by ordinance or resolution all needful police or

sanitary regulations for the protection of such property and to prosecute violations thereof in the municipal or police court of such municipality. (120 v. S. 136. Eff. August 7, 1943.)

Sec. 3660. (**Houses of ill-fame.**) To suppress and restrain disorderly houses and houses of ill-fame, and to provide for the punishment of all lewd and lascivious behavior in the streets and other public places. (99 v. 5.)

Sec. 3664. (**Punishment for disturbance of public peace.**) To provide for the punishment of persons disturbing the good order and quiet of the corporation by clamors and noise in the night season, by intoxication, drunkenness, fighting, committing assault, assault and battery, using obscene or profane language in the streets and other public places to the annoyance of the citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior. In like manner to provide for the punishment of any vagrant, common street beggar, common prostitute, habitual disturber of the peace, known pickpocket, gambler, burglar, thief, watch stuffer, ball game player, a person who practices any trick, game or device with intent to swindle, a person who abuses his family, and any suspicious person who can not give a reasonable account of himself. (103 v. 168.)

Sec. 3665. (**Punishment of breaches of peace.**) Such punishment may be by imposing and collecting fines, or by imprisonment in the proper jail or work house at hard labor, or both, at the discretion of the court, but no such person shall be fined for a single offense to exceed fifty dollars. Such imprisonment and hard labor shall not, for the first offense, exceed thirty days, for the second offense, ninety days, for the third offense, six months, and for the fourth or any further repetition of the offense, one year. (66 v. 183.)

Sec. 3666. (**Imprisonment when fine and costs not paid.**) The council may provide that any person who refuses or neglects to pay the fine imposed on conviction of any such offense, and the costs of prosecution, shall be imprisoned and kept at hard labor until such fine and costs are paid or secured to be paid, or he is otherwise legally discharged, provided that the person so imprisoned shall receive credit upon such fine and costs, at the rate of three dollars per day for each day's imprisonment. (120 v. H. 139. Eff. August 27, 1943.)

Sec. 3667. (**Regulations as to labor.**) The council may make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the age, sex, and health of the prisoners, and such labor may be done at the corporation prison, work-house, or

elsewhere, and under the charge of such officers or other persons as the council may select. (67 v. 75.)

Sec. 3668. (**Hospitals for diseased prisoners.**) The council may provide suitable hospitals for the reception and care of such prisoners as may be diseased or disabled, to be under such regulations, and under the charge of such persons as the council may direct. (66 v. 183.)

Sec. 3672. (**License power; exception.**) To license exhibitors of shows or performances of any kind, not prohibited by law, hawkers, peddlers, auctioneers of horses and other animals on the highways or public grounds of the corporation, vendors of gun powder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets, and, in granting such license, may exact and receive such sum of money as it may think reasonable, but no municipal corporation may require of the owner of any product of his own raising, or the manufacturer of any article manufactured by him, license to vend or sell in any way, by himself, or agent, any such article or product. Such council may confer upon, vest in and delegate to the mayor of the corporation, authority to grant, issue and revoke licenses (101 v. 37.)

Sec. 3673. (**Further licensing powers of council.**) To license transient dealers, persons who temporarily open stores or places for the sale of goods, wares or merchandise, and each person who, on the streets, or traveling from place to place about such municipality, sells, bargains to sell, or solicits orders for goods, wares or merchandise by retail. The granting of such license shall be controlled by the provisions of the next preceding section. (90 v. 311.)

Sec. 3677. (**Appropriation of property; street improvements, etc.; canal improvements; water supply; change of venue.**) Appropriation of property; street improvements; etc.; canal improvements; water supply; change of venue.

Municipal corporations shall have special power to appropriate, enter upon and hold real estate within their corporate limits. Such power shall be exercised for the purposes, and in the manner provided in this chapter.

1. For opening, widening, straightening, changing the grade of, and extending streets, and all other public places, and for this purpose, the corporation may appropriate the right of way across railway tracks and lands held by railway companies, where such appropriation will not unnecessarily interfere with the reasonable use of the property so crossed by such improvement, and for obtain-

ing material for the improvement of streets and other public places ;

2. For parks, park entrances, boulevards, market places and children's playgrounds ;

3. For public halls and offices, and for all buildings and structures required for the use of any department ;

4. For prisons, workhouses, houses of refuge and correction, and farm schools ;

5. For hospitals, pesthouses, reformatories, crematories and cemeteries ;

6. For levees, wharves and landings ;

7. For bridges, aqueducts, viaducts, and approaches thereto ;

8. For libraries, university sites and grounds therefor ;

9. For constructing, opening, excavating, improving or extending any canal, or watercourse, located in whole or in part within the limits of the corporation or adjacent and contiguous thereto, and which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvement ;

10. For sewers, drains, ditches, public urinals, bath-houses, water-closets and sewage and garbage disposal plants and farms ;

11. For natural and artificial gas, electric lighting, heating and power plants, and for supplying the product thereof ;

12. For establishing esplanades, boulevards, parkways, park grounds, and public reservations in, around and leading to public buildings, and for the purpose of reselling such land with reservations in the deeds of such resale as to the future use of such lands, so as to protect public buildings and their environs, and to preserve the view, appearance, light, air and usefulness of public grounds occupied by public buildings and esplanades and parkways leading thereto ;

13. For providing for a supply of water for itself and its inhabitants by the construction of wells, pumps, cisterns, aqueducts, water pipes, dams, reservoirs, reservoir sites and water-works, and for the protection thereof ; and to provide for a supply of water for itself and its inhabitants, any municipal corporation may appropriate property within or without the limits of the corporation ; and for this purpose any such municipal corporation may appropriate in the manner provided in this chapter, any property or right or interest therein, theretofore acquired by any private corporation for any purpose by appropriation proceedings or otherwise. Either party to such appropriation proceedings shall have the same right to change of venue as is now given by law in the trial of civil actions ;

14. For the construction or operation of street, interurban, sub-

urban or other railways or terminals and the necessary tracks, way stations, depots, terminals, workshops, conduits, elevated structures, subways, tunnels, offices, side tracks, turnouts, machine shops, bridges, and other appurtenances for the transportation of persons, packages, express matter, freight and other matter, in, from, into or through the municipal corporation; and for such purpose or purposes any municipal corporation may appropriate any property within or without its corporate limits; any municipal corporation may appropriate any property or right or interest therein theretofore acquired by any private or public utility corporation for any purpose by appropriate proceedings, as well as the right to cross on, over or under any street, avenue, alley, way or public place or part thereof of any other municipality, township or county;

15. For establishing landing fields either within or without the limits of a municipality for aircraft and transportation terminals, with power to impose restrictions on all or any part thereof and leasing such part thereof as may be desired for purposes associated with or incident to such aircraft landing and transportation terminals, including the right to appropriate a right of way for highways, electric, steam and interurban railroads leading from said landing field to the main highways or the main line of such steam, electric or interurban railroads, as may be desired; all of which are hereby declared to be public purposes. (III v. 47.)

Sec. 3678. (Appropriation of real estate; cemeteries, damages.)

In the appropriation of property for any of the purposes named in the preceding section, the corporation may, when reasonably necessary, acquire property outside the limits of the corporation. No land shall be purchased for public cemeteries within two hundred yards of a dwelling house without the consent, in writing, of the owner of the tract of land on which such dwelling house is situated. But any municipal corporation shall have the right to appropriate land, for the establishment of a cemetery or for the enlargement of any existing cemetery, within two hundred yards of any dwelling house, when such consent in writing cannot be obtained, by making the owner of such dwelling house a party to all proceedings and actions for such appropriations; such appropriation shall be made in all respects according to the provisions of this chapter, and the amount of damages to which such owner will be entitled by reason of locating said cemetery within two hundred yards of such dwelling, shall be determined by such appropriation proceedings. In such appropriation proceedings the damage to the remainder of the land of such owner shall be determined and included in the amount of damages, provided,

however, that for the purpose of making a necessary enlargement of an existing cemetery, any municipal corporation which shall own, or shall acquire by purchase, any lands suitable for such enlargement, may devote and use the same for cemetery purposes as such enlargement of such existing cemetery, if the said land shall be distant from any dwelling house not less than one hundred feet or the width of an existing street or alley intervening. The addition of any land across a street or public road, as now located or which shall be hereafter established, shall not be considered an enlargement of an existing cemetery under the provisions of this section. (103 v. 550.)

Sec. 3679. **(Resolution shall be passed.)** When it is deemed necessary to appropriate property, council shall pass a resolution, declaring such intent, defining the purpose of the appropriation, setting forth a pertinent description of the land, and the estate or interest therein desired to be appropriated. For water works purposes and for the purpose of creating reservoirs to provide for a supply of water, the council may appropriate such property as it may determine to be necessary. (99 v. 208.)

Sec. 3698. **(Lease or sale of corporate property.)** Municipal corporations shall have special power to sell or lease real estate or to sell personal property belonging to the corporation, when such real estate or personal property is not needed for any municipal purpose. Such power shall be exercised in the manner provided in this chapter. (96 v. 26.)

Sec. 3714. **(Council to have care, supervision and control.)** Municipal corporations shall have special power to regulate the use of the streets, to be exercised in the manner provided by law. The council shall have the care, supervision and control of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the corporation, and shall cause them to be kept open, in repair, and free from nuisance. (96 v. 26.)

Sec. 3785. **(Maximum of municipal taxes allowable.)** The aggregate of all taxes levied by a municipal corporation, exclusive of the levy for county and state purposes, for schools and schoolhouse purposes, for free public libraries and library buildings, for university and observatory purposes, for hospitals, and for sinking fund and interest, on each dollar of valuation of taxable property in the corporation on the tax list, shall not exceed in any one year ten mills. (96 v. 33.)

Sec. 3812. **(Special assessments, how made.)** Each municipal corporation shall have special power to levy and collect special assess-

ments, to be exercised in the manner provided by law. The council of any municipal corporation may assess upon the abutting, adjacent and contiguous or other specially benefited lots or lands in the corporation, any part of the entire cost and expense connected with the improvement of any street, alley, dock, wharf, pier, public road, or place by grading, draining, curbing, paving, repaving, repairing, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, drains, watercourses, water mains or laying of water pipe and any part of the cost of lighting, sprinkling, sweeping, cleaning or planting shade trees thereupon, and any part of the cost and expense connected with or made for changing the channel of, or narrowing, widening, dredging, deepening or improving any stream or watercourse, and for constructing or improving any levee or levees, or boulevards thereon, or along or about the same, together with any retaining wall, or riprap protection, bulkhead, culverts, approaches, flood gates, or waterways or drains incidental thereto, or making any other improvement of any river, front or lake front (whether such river front or lake front be privately or publicly owned), which the council may declare conducive to the public health, convenience or welfare, by any of the following methods.

First: By a percentage of the tax value of the property assessed.

Second: In proportion to the benefits which may result from the improvement, or

Third: By the foot front of the property bounding and abutting upon the improvement. (107 v. 629.)

Sec. 3812-1. (Service connections; service of notice; penalty.)

The director of public service in cities and council in villages shall have authority to compel the making of sewer and water connections as hereinafter provided. Whenever said director in cities or council in villages deems it necessary in view of contemplated street paving or as a sanitary regulation that sewer or water connections or both be constructed, said director in cities or council in villages shall cause written notice thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. The director of public service in cities and council in villages shall appoint some competent person to serve said notice in the manner provided for the service of summons in civil actions and the report of the person serving said notice or a certified copy thereof shall be prima facie evidence of the service of the notice as therein stated; provided that if any of said owners be non-residents of the corporation or can not be found, such notice may be given publication twice in one or more

newspapers of general circulation in the municipality. If said connections are not constructed within twenty days of such service of notice or day of first publication thereof, as the case may be, the same may be done by the city and the cost thereof, together with a penalty of five per cent. (5%), assessed against the lots and lands for which such connections are made and said assessments shall be certified and collected as other assessments for street improvements. No property owner shall be required to construct such connections further from the street main or sewer than the inner line of the curb. Assessments for such connections, whether levied under authority of this act or section thirty-eight hundred and twelve of the General Code shall not be subject to the limitations prescribed in sections thirty-eight hundred and nineteen, thirty-eight hundred and twenty, thirty-eight hundred and twenty-one (*) and thirty-eight hundred and twenty-two. (101 v. 242.)

(*) Repealed.

Sec. 3853. (**Construction and care of sidewalks.**) The council of municipal corporations may provide by ordinance for the construction and repair of necessary sidewalks, curbing, or gutters, or parts thereof, within the limits of the corporation, and may require by imposition of suitable penalties or otherwise, the owners and occupants of abutting lots and lands to keep the sidewalks, curbing and gutters in repair, free from snow or any nuisance. (97 v. 123.)

Sec. 3871. (**City engineer to devise plan of sewerage.**) In addition to the power herein conferred to construct sewers and levy assessments therefor, council of a municipal corporation may provide a system of sewerage for such municipal corporation or any part thereof. The engineer of such corporation, or some person employed by the municipality, shall devise and form, or cause to be devised and formed, a plan of the sewerage of the whole corporation, or such part thereof as may be designated by the council. Such plan shall be devised with regard to the present and prospective needs and interests of the whole corporation, and shall be by him reported to the council for its confirmation. (96 v. 47.)

Sec. 3939. (**Powers of a municipal corporation.**) Each municipal corporation in addition to other powers conferred by law shall have power:

(1) To acquire by purchase or condemnation real estate with or without buildings thereon, and easements or interests therein, for any lawful purpose;

(2) To extend, enlarge, reconstruct, repair, equip, furnish or

improve a building or improvement which it is authorized to acquire or construct;

(3) To erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;

(4) To purchase turnpike roads and make them free;

(5) To construct wharves and landings on navigable waters;

(6) To construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses and warehouses;

(7) To construct or acquire waterworks for supplying water to the corporation and the inhabitants thereof and to extend the waterworks system outside of the corporation limits;

(8) To construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the corporation and the inhabitants thereof;

(9) To provide grounds for cemeteries or crematories, to enclose and embellish (*) them, and to construct vaults or crematories;

(10) To construct sewers, sewage disposal works, flushing tunnels, drains and ditches;

(11) To construct free public libraries and reading rooms, and free recreation centers;

(12) To establish free public baths and municipal lodging houses;

(13) To construct monuments or memorial buildings to commemorate the services of soldiers, sailors and marines of the state and nation;

(14) To provide land for and improve parks, boulevards and public playgrounds;

(15) To construct hospitals and pest houses;

(16) To open, construct, widen, extend, improve, resurface or change the line of any street or public highway;

(17) To construct and improve levees, dams, wasteways, water-fronts and embankments and improve any water course passing through the corporation;

(18) To construct or improve viaducts, bridges and culverts;

(19) To construct any building necessary for the police or fire department, purchase fire engines or fire boats, to construct water towers or fire cisterns and to place underground the wires or signal apparatus of any police or fire department;

(20) To construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipality;

(*) Should this read "embellish"?

(21) To construct subways under any street or boulevard or elsewhere ;

(22) To purchase, lease or condemn land and/or air rights necessary for landing fields, either within or without the limits of a municipality, for aircraft and transportation terminals and uses associated therewith or incident thereto, and the right of way for connections with highways, waterways, electric, steam and interurban railroads, and to improve and equip the same with structures necessary or appropriate for such purposes.

(23) To acquire by gift, purchase, lease or condemnation, land and forest and water rights necessary for conservation of forest reserves and water parks or reservoirs, either within or without the limits of the municipality, and to improve and equip the forest and water parks with structures, equipment and reforestation necessary or appropriate for any purpose whatsoever for the utilization of any or all the forest and water benefits that may properly accrue therefrom to said municipality. (115 v. 187.)

Sec. 3955. **(General powers of council.)** The council of a municipality may take possession of any land obtained for the construction or extension of water works, reservoirs, or the laying down of pipe, and also any water rights or easements connected with the use of water. Any land, water right, or easement so taken possession of for water works purposes shall not be used for any other purpose, except by authority of the director of public service and consent of the council. (R. S. Sec. 2407.)

Sec. 3959. **(Disposition of surplus; how taxes applied.)** After paying the expenses of conducting and managing the water works, any surplus therefrom may be applied to the repairs, enlargement or extension of the works or of the reservoirs, the payment of the interest of any loan made for their construction or for the creation of a sinking fund for the liquidation of the debt. Provided, however, that in those cities where water works and sewerage systems are conducted as a single unit under one operating management a sum not to exceed ten per centum of the gross revenue of the water works for the preceding year may be taken from any surplus remaining after all of the preceding purposes have been cared for and may be used for the payment of the cost of maintenance, operation and repair of the sewerage system and sewage pumping, treatment and disposal works and for the enlargement or replacement of the same, provided, however, that each year a sum equal to five per centum of the gross revenue of the preceding year be first retained from said surplus as a reserve for water works purposes.

The amount authorized to be levied and assessed for water works

purposes shall be applied by the council to the creation of the sinking fund for the payment of the indebtedness incurred for the construction and extension of water works and for no other purpose whatever. (120 v. H. 86. Eff. August 14, 1943.)

Sec. 3982. (**Council may regulate price of electric light, gas and water.**) The council of a municipality in which electric lighting companies, natural or artificial gas companies, gas light or coke companies, or companies for supplying water for public or private consumption, are established, or into which their wires, mains or pipes are conducted, may regulate from time to time the price which such companies may charge for electric light, or for gas for lighting or fuel purposes, or for water for public or private consumption, furnished by such companies to the citizens, public grounds, and buildings, streets, lanes, alleys, avenues, wharves, and landing places, or for fire protection. Such companies shall in no event charge more for electric light, natural or artificial gas, or water, furnished to such corporation or individuals, than the price specified by ordinance of council. The council may regulate and fix the price which such companies shall charge for the rent of their meters, and such ordinance may provide that such price shall include the use of meters to be furnished by such companies, and in such case meters shall be furnished and kept in repair by such companies and no separate charge shall be made, either directly or indirectly, for the use or repair of them. (R. S. Sec. 2478.)

Sec. 4021. (**Council may levy tax to compensate free public hospital.**) The council of each municipality, annually, may levy and collect a tax not to exceed one mill on each dollar of the taxable property of the municipality and pay the amount to a private corporation or association which maintains and furnishes a free public hospital for the benefit of the inhabitants of the municipality, or not free except to such inhabitants of the municipality as in the opinion of a majority of the trustees of such hospital are unable to pay. Such payment shall be as and for compensation for the use and maintenance of such hospital. Without change or interference in the organization of such corporation or association, the council shall require the treasurer thereof, annually to make a financial report setting forth all of the money and property which has come into its hands during the preceding year and the disposition thereof, together with any recommendations as to its future necessities. (98 v. 123.)

Sec. 4065-1. (**Cities, villages and counties may maintain and operate playgrounds, gymnasiums, public baths, recreation centers.**) That the council or other legislative authority of any city, or village, or the county commissioners of any county, may designate and set

apart for use as playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, any lands or buildings owned by such city, village or county, and not dedicated or devoted to other public use. Such city, village or county may, in such manner as may be authorized or provided by law for the acquisition of land or buildings for public purposes in such city, village or county, acquire lands or buildings therein for use as playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers. (109 v. 609.)

Sec. 4154. **(Council to provide cemeteries.)** The council may provide places for the interment of the dead outside of the corporate limits, and the police powers of the corporation shall extend to those places. (66 v. 210.)

Sec. 4155. **(Powers of council as to cemeteries.)** The council of a municipality owning a public burial ground or cemetery, whether within or without the corporation, may pass and provide for the enforcement of ordinances necessary to carry into effect the provisions of this chapter, and regulate such public burial grounds and cemeteries, the improvement thereof, the burial of the dead therein, define the tenure and conditions on which lots therein shall be held and protect such burial grounds and cemeteries and all fixtures thereon. (70 v. 274.)

Sec. 4157. **(Burials may be prohibited within corporate limits.)** Council may prohibit the interment of the dead within the corporation limits, and, for the purpose of making such prohibition effective, may not only impose proper fines and penalties, but shall also have power to cause any body, interred contrary thereto, to be taken up and buried without the limits of the corporation. (66 v. 214.)

Sec. 4224. **(Ordinances and resolutions; how adopted.)** The action of council shall be by ordinance or resolution, and on the passage of each ordinance or resolution the vote shall be taken by "yeas" and "nays" and entered upon the journal, but this shall not apply to the ordering of an election, or direction by council to any board or officer to furnish council with information as to the affairs of any department or office. No by-law, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale, or transfer of property, shall be passed, unless it has been fully and distinctly read on three different days, and with respect to any such by-law, ordinance or resolution, there shall be no authority to dispense with this rule, except by a

three-fourths vote of all members elected thereto, taken by yeas and nays, on each by-law, resolution or ordinance, and entered on the journal. No ordinance shall be passed by council without the concurrence of a majority of all members elected thereto. (96 v. 82.)

Sec. 4225. (**Style of ordinances.**) The style of all ordinances shall be, "Be it ordained by the council of the city (or village, as the case may be) of _____, state of Ohio," (filling the blank with the name of the city or village), (96 v. 61.)

Sec. 4226. (**Subject and amendment of by-laws, ordinances and resolutions.**) No ordinance, resolution or by-law shall contain more than one subject, which shall be clearly expressed in its title. No by-law or ordinance, or section thereof, shall be revived or amended, unless the new by-law or ordinance contains the entire by-law or ordinance, or section revived or amended, and the by-law or ordinance, section or sections so amended shall be repealed. Each such by-law, resolution and ordinance shall be adopted or passed by a separate vote of the council and the yeas and nays shall be entered upon the journal. (96 v. 82.)

Sec. 4227. (**Authentication and recording; when to take effect.**) Ordinances, resolutions and by-laws shall be authenticated by the signature of the presiding officer and clerk of the council. Ordinances of a general nature, or providing for improvements shall be published as hereinafter provided before going into operation. No ordinance shall take effect until the expiration of ten days after the first publication of such notice. As soon as a by-law, resolution or ordinance is passed and signed, it shall be recorded by the clerk in a book to be furnished by the council for the purpose. (96 v. 82.)

Sec. 4228. (**Publication of ordinances, resolutions, etc.; proof of publication and circulation.**) Unless otherwise specifically directed by statute, all municipal ordinances, resolutions, statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be published as follows: In two English newspapers of opposite politics published and of general circulation in such municipality, if there be such newspapers; if two English newspapers of opposite politics are not published and of general circulation in such municipality, then in one such political newspaper and one other English newspaper published and of general circulation therein; if no English newspaper is published and of general circulation in such municipality, then in any English newspaper of general circulation therein or by posting as provided in section forty-two hundred thirty-two of the General Code; at the option of council. Proof of the pub-

lication and required circulation of any newspaper used as a medium of publication hereunder shall be made by affidavit of the proprietor of either of such newspapers, and shall be filed with the clerk of council. (112 v. 159.)

Sec. 4229. **(Times of publication required.)** The publication required in section forty-two hundred and twenty-eight of the General Code, shall be for the following times: Ordinances, resolutions and proclamations of elections, once a week for two consecutive weeks; notices not less than two nor more than four consecutive weeks; all other matters shall be published once. (106 v. 494.)

Sec. 4230. **(When publication in book form sufficient.)** When ordinances are revised, codified, rearranged and published in book form and certified as correct by the clerk of council and the mayor, such publication shall be a sufficient publication, and the ordinance or several ordinances so published in book form, under appropriate titles, chapters and sections, shall be held the same in law as though they had been published in a newspaper or newspapers. A new ordinance so published in book form, which has not been published according to law, and which contains entirely new matter shall be published as heretofore required by law, provided however, that prior to the thirty-first day of December, 1944, if such revision or codification is made by a village, and the same contains new matter, it shall be a sufficient publication of such codification, including such new matter, to publish, in the manner required by law as to the enactment of ordinances, a notice of the enactment of such codifying ordinance, containing the title of such ordinance and a summary of the new matters covered by the same. Such revision and codification may be made under appropriate titles, chapters and sections and in one ordinance containing one or more subjects.

Except as herein provided, all ordinances shall be published according to law. (120 v. H. 430. Eff. September 16, 1943.)

Sec. 4231. **(Certificate of clerk as to publication.)** Immediately after the expiration of the period of such publication, the clerk shall enter on the record of ordinances, in a blank to be left for such purpose, under the recorded ordinance, a certificate stating in which newspaper and of what dates such publication was made, and sign his name thereto officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made. (R. S. 1696.)

Sec. 4233. **(Effect of not making publication.)** It shall be deemed a sufficient defense to any suit or prosecution under an ordinance, to

show that no such publication or posting as herein required was made. (R. S. 1698.)

Sec. 4235. (How by-laws and ordinances received as evidence.)

The printed copies of the by-laws or ordinances of a corporation, published under its authority, and transcripts of any by-laws, resolutions, or ordinances, or of any act or proceeding of a municipal corporation, recorded in any book, or entered on any minutes or journal, kept under the direction of such corporation, and certified by its clerk, shall be received in evidence, through the state, for any purpose for which the original books, ordinances, minutes, or journals would be received. (R. S. 1699.)

Sec. 4245-1. (Notice to owner to cut noxious weeds; service.)

Upon written information that noxious weeds are growing on lands in a municipality, and are about to spread or mature seeds, the council of such municipality shall cause a written notice to be served upon the owner, lessee, agent or tenant having charge of such land notifying him that said noxious weeds are growing on such lands and that they must be cut and destroyed within five days after the service of such notice. If such owner or other person having charge of such lands is a non-resident whose address is known, such notice shall be sent to his address by registered mail; if the address of such owner is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the county. (109 v. 355.)

Sec. 4245-2. (Fees for service and return.) A marshal, or any police officer, clerk of council or clerk of a city or village, or his deputy, may make service and return of the notice provided for in the next preceding section and the fees therefor shall be the same as are allowed for service and return of summons in civil cases before a magistrate. (109 v. 355.)

Sec. 4245-3. (Procedure when owner fails to comply with notice.) If the owner, lessee, agent or tenant having charge of the lands mentioned in section 1 herein, fails to comply with such notice, the council of such municipality shall cause said noxious weeds to be cut and destroyed and may employ the necessary labor to carry out the provisions of this section. All expenses incurred shall, when approved by the council, be paid out of any money in the treasury of the municipality not otherwise appropriated. (109 v. 355.)

Sec. 4245-4. (Written return to county auditor; amount a lien upon property.) The council of a municipality shall make a written return to the county auditor of their county of their action under the next three preceding sections with a statement of the charges

for their services, the amount paid for the performing of such labor and the fees of the officers who made the service of the notice and return and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of the entry and be collected as other taxes and returned to the municipality with the general fund. (109 v. 356.)

Sec. 4404. (**Board of health established, etc., in cities; members.**) Unless an administration of public health different from that specifically provided in this section has been established and maintained under authority of its charter prior to the effective date of this act, the council of each city constituting a city health district, shall establish a board of health, composed of five members to be appointed by the mayor and confirmed by the council, to serve without compensation, and a majority of whom shall be a quorum. The mayor shall be president by virtue of his office. (119 v. 551.)

NOTE: By the provisions of G. C. 1261-30 a district board of health shall exercise all the powers and perform all the duties now conferred and imposed by law upon the board of health of a municipality.

Sec. 4405. (**If council fails to establish board of health, commissioner of health may appoint health commissioner.**) If any such city fails or refuses to establish a board of health the state commissioner of health, with the approval of the public health council, may appoint a health commissioner therefor, and fix his salary and term of office. Such health commissioner shall have the same powers and perform the duties granted to or imposed upon boards of health, except that rules, regulations or orders of a general character and required to be published made by such health commissioner shall be approved by the state commissioner of health. The salary of the health commissioner so appointed, and all necessary expenses incurred by him in performing the duties of the board of health shall be paid by and be a valid claim against such municipality. (108 v. Pt. 2, 1092.)

Sec. 4406. (**Term of office of members.**) The term of office of the members of the board shall be five years from the date of appointment, and until their successors are appointed and qualified, except that those first appointed shall be classified as follows: One to serve for five years, one for four years, one for three years, one for two years, and one for one year, and thereafter one shall be appointed each year. (95 v. 643.)

Sec. 4407. (**President pro tem; meetings.**) The board of health in municipalities shall elect one of their number president pro tem

who shall preside in the absence of the mayor, and shall do and perform all duties incumbent upon the president. The board shall meet for the transaction of business at least once in each calendar month, and as much oftener as is necessary for the prompt and thorough transaction of its business. Special meetings of the board shall be called by the president or three members thereof. (95 v. 423.)

Sec. 4408. (**Appointment of health commissioner and other employes.**) In any city health district, the board of health or person or persons performing the duties of a board of health shall appoint for whole or part time service a health commissioner and may appoint such public health nurses, clerks, physicians, and other persons as they deem necessary. (108 v. Pt. 2, 1092.)

NOTE: For civil service provisions see G. C. 486-19.

Sec. 4409. (**Duties of secretary and board in keeping records.**) The secretary of the board shall keep a full and accurate record of the proceedings of the board together with a record of diseases reported to the health commissioner and on termination of his office shall turn over to his successor, books, records, papers and other matter belonging to the board. Each board of health, or person or persons performing the duties of the board of health shall procure suitable books, blanks, and other things necessary to the transaction of its business. Such records shall be kept as are required by the state commissioner of health and such forms shall be used as he may prescribe. (108 v. Pt. 1, 248.)

Sec. 4410. (**Medical care of sick poor.**) The board of health shall care for the sick poor and each person quarantined when such person is unable to pay for care and treatment, and for all persons sent to the municipal detention hospital when such persons are unable to pay for care and treatment. (108 v. Pt. 1, 248.)

Sec. 4411. (**Appointment of sanitary officers and public health nurses.**) The board may also appoint as many persons for sanitary duty as in its opinion the public health and sanitary conditions of the health district require, and such persons shall have general police powers and be known as sanitary police. The board may also appoint as many persons for public health nurse duty as in its opinion the public health and sanitary conditions of the health district require, and such persons shall be registered nurses and shall be known as public health nurses. The council may determine the maximum number of sanitary police and public health nurses so to be appointed. (116 v. 173.)

Sec. 4411-1. (**Salaries.**) The board shall determine the duties

and fix the salaries of its employes; but no member of the board of health shall be appointed as health officer or ward physician. (103 v. 436.)

Sec. 4412. Repealed. (103 v. 713.)

Sec. 4413. **Orders and regulations; how published; emergency orders and regulations.)** The board of health of a city may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. Orders and regulations not for the government of the board, but intended for the general public shall be adopted, advertised, recorded and certified as are ordinances of municipalities and the record thereof shall be given, in all courts of the state, the same force and effect as is given such ordinances. Provided, however, that in cases of emergency caused by epidemic of contagious or infectious diseases, or conditions or events endangering the public health, such boards may declare such orders and regulations to be emergency measures, and such orders and regulations shall become immediately effective without such advertising, recording and certifying. (108 v. Pt. 2, 1092.)

Sec. 4414. **(Penalty for violations.)** Whoever violates any provision of this chapter, or any order or regulation of the board of health made in pursuance thereof, or obstructs or interferes with the execution of such order, or wilfully or illegally omits to obey such order, shall be fined not to exceed one hundred dollars or imprisoned for not to exceed ninety days, or both, but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the affidavit upon which the prosecution is instituted, contains the allegation that the offense is a second or repeated offense. (95 v. 424.)

NOTE: For penalty for exposing another person to communicable disease see G. C. 12785 and 12786.

Sec. 4415. **(Violation by a corporation.)** If such violation, obstruction, interference or omission be by a corporation, it shall forfeit and pay to the proper municipality a sum not to exceed three hundred dollars, to be collected in a civil action brought in the name of the municipality. Any officer of such corporation having authority over the matter, and permitting such violation, shall be subject to fine or imprisonment, or both, as heretofore provided. The judgment herein authorized being in the nature of a penalty, or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the

amount by reference to all the facts, culpatory, exculpatory, or extenuating, adduced upon the trial. (95 v. 424.)

Sec. 4416. (**Prosecution; how instituted.**) Prosecutions under this chapter and the civil action provided for in the preceding section, shall be instituted before a justice of the peace within the county, or justice of the peace, mayor or police judge of the municipality where the offense was committed, or the offending person resides. (95 v. 425.)

Sec. 4417. (**Trial by jury.**) If imprisonment is or may be a primary penalty, the court shall, after plea of not guilty, unless a trial by jury is waived, issue a venire to any constable of the county, containing the names of sixteen electors residing within the county, to serve as jurors to try such cause. Each party shall be entitled to two peremptory challenges, and challenges for cause in all particulars, as in criminal cases in the court of common pleas. If the sixteen names are exhausted without obtaining a panel of twelve, the court may direct the constable to summon any of the bystanders to fill the panel to twelve, or on demand shall issue other venires for four electors at a time, until the panel of twelve is full. (95 v. 425.)

Sec. 4418. (**Fines and costs.**) In prosecutions under this chapter, no deposit for costs shall be required. A judgment or verdict of guilty shall be immediately followed by sentence and execution thereof, unless suspended pending the preparation and allowance of a bill of exceptions. All fines collected under this chapter shall be paid to the treasurer of the municipality and credited to the sanitary fund of the board of health instituting the prosecution. No fine imposed in any prosecution under this section shall be remitted by the magistrate before whom the complaint is made. (95 v. 425.)

Sec. 4419. (**Vital statistics.**) The board of health may create a complete and accurate system of registration of births, marriages, deaths, and interments occurring within its jurisdiction for the purpose of legal and genealogical investigations, and to furnish facts for statistical, scientific or sanitary inquiries. (95 v. 425.)

NOTE: For statutes relating to the registration of vital statistics see G. C. 1261-44 to 1261-68, both inclusive.

Sec. 4420. (**Abatement of nuisances.**) The board of health shall abate and remove all nuisances within its jurisdiction. It may by order therefor compel the owners, agents, assignees, occupants, or tenants of any lot, property, building or structure to abate and remove any nuisance therein, and prosecute them for neglect or refusal to obey such orders. Except in cities having a building department,

or otherwise exercising the power to regulate the erection of buildings, the board of health may regulate the location, construction and repair of water-closets, privies, cesspools, sinks, plumbing and drains. In cities having such departments or exercising such power, the council by ordinance shall prescribe such rules and regulations as are approved by the board of health, and shall provide for their enforcement. (98 v. 188.)

NOTE: See also G. C. 12646.

Sec. 4421. (**Other powers of the board.**) The board of health may also regulate the location, construction and repair of yards, pens and stables, and the use, emptying and cleaning thereof, and of water-closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate. When a building, erection, excavation, premises business, pursuit, matter or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board of health, in a condition dangerous to life or health, and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board of health may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent or other person having control thereof, or responsible for such condition, and may prosecute them for the refusal or neglect to obey such order. The board may also, by its officers and employes, remove, abate, suspend, alter, or otherwise improve or purify them and certify the costs and expense thereof to the county auditor, to be assessed against the property, and thereby made a lien upon it and collected as other taxes. (98 v. 188.)

Sec. 4422. (**Proceedings where order of board is neglected or disregarded.**) When such order of the board of health is neglected or disregarded, in whole or in part, the board may elect to cause the arrest and prosecution of all persons offending, or may elect to do and perform, by its officers and employes, what the offending party should have done. If the latter course is chosen, before the execution of the order of the board is begun, it shall cause a citation to issue, and be served upon the persons responsible, if residing within the jurisdiction of the board, but if not, shall cause it to be mailed by registered letter to such person, if the address is known or can be found by ordinary diligence. If the address cannot be found, the board shall cause the citation to be left upon the premises, in charge of any person residing thereon, otherwise it shall be posted

conspicuously thereon. The citation shall briefly recite the cause of complaint, and require the owner or other person or persons responsible to appear before the board at a time and place stated, or as soon thereafter as a hearing can be had, and show cause, if any, why the board should not proceed and furnish the material and labor necessary to, and remove the cause of complaint. (95 v. 426.)

Sec. 4423. **(Further proceedings.)** If the person or persons cited appear, he or they shall be fully apprised of the cause of complaint and given a fair hearing. The board shall then make such order as it deems proper, and if material or labor is necessary to satisfy the order, and the person or persons cited promise, within a definite and reasonable time, to furnish them the board shall grant such time. If no promise is made, or kept, the board shall furnish the material and labor, cause the work to be done, and certify the cost and expense to the auditor of the county. If the material and labor are itemized, and the statement is accompanied by the certificate of the president of the board, attested by the clerk, reciting the order of the board, and that the amount is correct, the auditor shall have no discretion, but shall place the sum against the property upon which the material and labor were expended, which shall, from the date of entry, be a lien upon the property, and be paid as other taxes are paid. (95 v. 426.)

Sec. 4424. **(Nuisance or insanitary conditions on school property may be corrected.)** The board of health shall abate all nuisances and may remove or correct all conditions detrimental to health or well-being found upon school property by serving an order upon the board of education, school board or other person responsible for such property, for the abatement of such nuisance or condition within a reasonable but fixed time. A person failing to comply with such order, unless good and sufficient reason therefor is shown, shall be fined not to exceed one hundred dollars. The board may appoint such number of inspectors of schools and school buildings as it deems necessary to properly carry out these provisions. (95 v. 433.)

Sec. 4425. **(Quarantine regulations.)** In time of epidemic or threatened epidemic, or when a dangerous communicable disease is unusually prevalent, the board of health after a personal investigation by the members or executive officer thereof to establish the facts in the case, and not otherwise, may impose a quarantine on vessels, railroads, stages, or other public or private vehicles conveying persons, baggage or freight, or used for such purpose. It may make and enforce such rules and regulations as such board deems wise and necessary for the protection of the health of the people of

the community or state, but the running of any train or car on any steam or electric railroad, or of steamboats, vessels or other public conveyances shall not be prohibited. A true copy of such quarantine rules and regulations adopted by such board of health, shall be immediately furnished by it to the state board of health, and thereafter no change shall be made except by the order of the state board of health or by the local board to meet a new and sudden emergency. (96 v. 80.)

Sec. 4426. (**When approval of state board necessary.**) The board of health shall not close public highways, prohibit travel thereon, interfere with public officers in the discharge of their official duties not afflicted with or directly exposed to a contagious or infectious disease, nor establish a quarantine of one city, village or township against another city, village or township, as such, without permission first obtained from the state board of health and under regulations established by the state board. (96 v. 80.)

Sec. 4427. (**Duty to give notice of prevalence of infectious diseases.**) Each physician or other person called to attend a person suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, or typhoid fever, or any other disease dangerous to the public health, or required by the state board of health to be reported, shall report to the health officer within whose jurisdiction such person is found, the name, age, sex and color of the patient, and the house and place in which such person may be found. In like manner, the owner or agent of the owner of a building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, and the head of the family, immediately after becoming aware of the fact, shall give notice thereof to the health officer. (95 v. 427.)

NOTE: For reports of occupational diseases see G. C. 1243-1 et seq.

NOTE: For reports of inflammation of the eyes see G. C. 1248-1 et seq., also G. C. 12787.

Sec. 4428. (**Duty of board thereafter.**) When complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in a house or other locality which has not been so reported, the board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the board may, as it deems best, send the person so diseased to a quarantine hospital or other place provided for such persons, or may restrain them and others exposed within such house

or locality from intercourse with other persons, and prohibit ingress and egress to or from such premises. (95 v. 427.)

NOTE: For penalty for appearance in a public place of person suffering with a contagious disease, and for unlawful disposal of infected property, see sections 12785 and 12786.

Sec. 4429. **(Communicable diseases to be quarantined.)** When a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other communicable diseases declared by the board of health or state department of health to be quarantinable is reported within its jurisdiction, the board of health shall at once cause to be placed in a conspicuous position on the house wherein such disease occurs a quarantine card having printed on it in large letters the name of the disease within, and prohibit entrance to or exit from such house without written permission from the board of health, or shall enforce such restrictive measures as may be prescribed by the state department of health. No person shall remove, mar, deface, or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the house and the contents thereof have been properly purified and disinfected by the board of health or treated in such manner as may be prescribed by the state department of health. (108 v. Pt. 1, 249.)

Sec. 4430. **(Physicians to use precautionary measures; quarantine regulations, to whom they apply.)** Each physician attending a person affected with any such disease shall use such precautionary measures to prevent the spread of the disease as is required by the board of health. No person quarantined by a board of health on account of having a contagious disease or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health, and where other inmates of such house have been exposed to and are liable to become ill of any such diseases, for such period thereafter as may be prescribed in the rules and regulations of the state department of health. (108 v. Pt. 1, 249.)

Sec. 4431. **(Board may employ guards.)** The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the preven-

tion of contagious or infectious disease, or the orders of any board of health made in pursuance thereof. (95 v. 427.)

Sec. 4432. **(Disinfection of house in which has been contagious disease.)** When a person affected with smallpox, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever, has recovered and is no longer liable to communicate the disease to others, or has died, the physician shall furnish to the proper board of health a certificate of such recovery or death, and as soon thereafter as the board deems it advisable, its health officer or other person appointed for the purpose shall thoroughly disinfect and purify the house and contents thereof in which such person has been ill or has died, which disinfection and purification shall be done in accordance with the rules and regulations adopted and promulgated by the state board of health. (97 v. 540.)

Sec. 4433. **(Disinfection upon request; expenses.)** Upon the report of the owner or occupant of a dwelling house, or the head of a family, the board of health shall purify and disinfect any room which has been occupied by any person suffering from pulmonary tuberculosis, commonly called consumption, or room in which any person has died from such disease. The local board of health may purchase such disinfecting apparatus and supplies as it deems necessary for such purpose. The expenses of disinfection shall be paid by the local board of health. (97 v. 540.)

Sec. 4434. **(Destruction of infected property.)** Such board may destroy any infected clothing, bedding, or other article which cannot be made safe by disinfection, and shall furnish to the owner thereof a receipt, of which it shall keep a full and accurate copy, for articles so destroyed, which receipt shall show the number, character, condition and estimated value of the articles destroyed. When a building, hut, or other structure has become infected with smallpox or other dangerous communicable disease, and cannot, in the opinion of the board of health, be made safe by disinfection the board may have such building, hut, or other structure appraised and destroyed. (97 v. 540.)

Sec. 4435. **(Compensation for property destroyed.)** The council of the municipality, upon the presentation of the original receipt or written statement of the appraisers for articles or houses so destroyed, shall pay to the owner thereof, or other person authorized by the owner to receive it, the estimated value of such destroyed articles, or such sum as the council deems just compensation therefor, and in the event the owner is not satisfied with the amount so allowed he may sue for the value thereof. (97 v. 540.)

Sec. 4436. (**Board of health to provide for persons quarantined; expenses, by whom paid.**) When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place, food, fuel, and all other necessities of life, including medical attendance, medicine and nurses when necessary. The expenses so incurred, except those for disinfection, quarantine or other measures strictly for the protection of the public health, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the municipality or township in which quarantined. (108 v. Pt. 1, 249.)

Sec. 4436-1. (**Contagious or infectious disease in work camp.**) That any person, partnership, or corporation, that maintains any work camp, shall pay to any city, village, township or county in which said work camp is maintained, any and all expenses caused by any contagious or infectious disease which shall originate or exist in said work camp. (101 v. 260.)

Sec. 4437. (**Persons from quarantined house not to attend school.**) No person residing in or occupying a house in which a person is suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious disease, shall be permitted to attend any public, private or parochial school or college or Sunday school, or any other public gathering, until the quarantine provided in such diseases has been removed by the board of health. All school principals, Sunday school superintendents, or other persons in charge of such schools, are hereby required to exclude any and all such persons until they present a written permit of the board of health to attend or re-enter such schools. (108 v. Pt. 1, 250.)

NOTE: For penalty for exposing another person to communicable disease see G. C. 12785 and 12786.

Sec. 4438. (**Proceedings when indigent person quarantined in county when other than county of legal settlement.**) When a person with a contagious disease, quarantined in a county by a city or general health district has a legal settlement in another county of the state, and such person is unable to pay the expenses of such service, the city or general health district rendering such service shall notify in writing the county commissioners of the county of legal settlement that such services are being rendered. Such written notice

shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service or admission to a hospital or other institution of quarantine, or within three days after the discovery of such fact if the same be not disclosed as above. Within twenty days after the discharge of such quarantined person, the health commissioner of the city or general health district shall send a notice of such discharge and a sworn statement of the expenses, either actual or at the established rate of the hospital or other institution of quarantine, to the commissioners of the county of legal settlement. Thereupon the county of legal settlement shall be liable to the city or general health district rendering such service, and shall pay for the same within thirty days after date of the sworn statement of expenses. If the notice of the rendering of such service, required to be sent by the health commissioner, be not sent within three days after the disclosure by the person quarantined, or the discovery of such non-residence, the county of legal settlement shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal of such quarantined person by the county of legal settlement, at its expense, but such removal shall not relieve the county of legal settlement for the expenses theretofore incurred by the city or general health district in which such person has been quarantined. Any such person who does not, upon discharge, pay the expenses of such quarantine, shall, for the purposes of this act, be deemed indigent insofar as the city or general health district is concerned. The county of legal settlement is hereby subrogated to all the rights of the city or general health district in which such service was rendered. (113 v. 270.)

Sec. 4438-1. **(Proceedings when indigent person quarantined in city or district other than city of legal settlement.)** When a person with a contagious disease, quarantined by a city or general health district has a legal settlement in a municipality or township within the same county but other than that in which quarantined, and such person is unable to pay the expenses of such service, the city or general health district rendering such service shall notify, in writing, the proper officials of the municipality or township of legal settlement of such person that such services are being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service or admission to a hospital or other institution of quarantine, or within three days after discovery of such fact if the same be not disclosed as above. Thereupon the municipality or township of legal settlement shall be liable for such expenses, either actual or at the established rate of the

hospital or other institution of quarantine, and shall pay the same within thirty days after date of the sworn statement covering the expenses of such quarantine, which sworn statement shall be sent to the proper officials of the municipality or township of legal settlement within twenty days after the discharge of such quarantined person. If the notice of such service be not sent to the municipality or township of legal settlement within three days after the disclosure by the person quarantined or the discovery of such non-residence, the municipality or township of legal settlement shall be liable only after the receipt of such proper notice. Nothing herein contained shall prevent the removal of such quarantined person by the municipality or township of legal settlement, at its expense, but such removal shall not relieve such municipality or township from liability for the expenses theretofore incurred by the city or general health district in which such person has been quarantined. Any such person who does not, upon discharge, pay the expenses of such quarantine shall, for the purposes of this act, be deemed indigent insofar as the city or general health district is concerned. The municipality or township of legal settlement is hereby subrogated to all the rights of the city or general health district in which such service was rendered. (113 v. 271.)

Sec. 4439. (**Expense of quarantining county infirmary.**) The expenses for quarantining a county infirmary or other county public institution, shall be paid by the county when properly certified by the president and clerk of the board of health or health officer, where there is no board of health of the municipality in which such institution is located. (97 v. 540.)

Sec. 4440. (**Disposal of bodies of persons dying of contagious diseases.**) Bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious or infectious disease, shall be buried or cremated within twenty-four hours after death, unless permission to do otherwise is given in writing by the board of health. No public or church funeral shall be held in connection with the burial of such person, and such body shall not be taken into any church, chapel or other public place. Only adult members of the family and such other persons as are actually necessary may be present at its burial or cremation. (95 v. 430.)

Sec. 4441. (**Admission of persons suffering from contagious disease to certain institutions.**) No person suffering from, who has been exposed to, or is liable to become ill of, smallpox or other con-

tagious disease or infectious disease may be sent to or admitted into a prison, jail, workhouse, infirmary, children's or orphans' home, state hospital or institution for the insane, epileptic, blind, feeble-minded or deaf and dumb or other state or county benevolent institution without first making known the facts concerning such illness or exposure to the superintendent, or other person in charge thereof. When smallpox or other dangerous contagious or infectious disease is in a jail or prison and a prisoner therein exposed to such disease is sentenced to the penitentiary, such prisoner shall be confined and isolated in such jail or prison or other proper place, upon the order of the proper court, for such time as is necessary to establish the fact that he has not contracted such disease. (95 v. 431.)

Sec. 4442. (**Contagious disease in public institution.**) When smallpox, cholera, yellow fever, diphtheria, scarlet fever or other dangerous contagious or infectious disease appears in any state, county or municipal, benevolent, correctional or penal institution, the superintendent or manager thereof shall at once isolate the person or persons so affected and enforce the provisions of this chapter for the prevention of contagious diseases, so far as they may apply, and the rules, regulations and orders of the state board of health to that effect. (95 v. 431.)

Sec. 4443. (**Temporary buildings.**) The trustees or managers of any such institution may erect any necessary temporary building for the reception of such affected persons or for the detention of persons exposed to such diseases and may remove such persons to and confine them in such buildings. (95 v. 431.)

Sec. 4444. (**Removal of affected or exposed persons to hospital.**) Such trustees or managers may contract for the care, treatment or detention of any such persons with any corporation having a hospital or other proper place for the isolation or care of persons suffering from or exposed to contagious disease and may remove such persons to such hospital or place. In case of persons detained in an institution as punishment for crime, an order for such removal shall be obtained from the court which imposed such punishment. In an order for such removal, the court may require such provisions to be made for safely guarding the prisoner while in such hospital or place as it deems necessary. (95 v. 431.)

Sec. 4445. (**Effect of quarantine as to common carriers.**) When quarantine is declared, all railroads, steamboats, or other common carriers, and the owners, consignees or assignees of any railroad, steamboat, stage or other vehicle used for the transportation of

passengers, baggage or freight, shall submit to any rules or regulations imposed and any examination required by a board of health or health officer. They shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives, or passengers and the sanitary condition of the baggage and freight. (95 v. 432.)

Sec. 4446. **(Penalty.)** Whoever, being an owner, consignee or assignee or other persons interested in any manner set forth in the preceding section, makes an unfounded statement or declaration respecting the points under such examination shall be subjected to the penalties provided by law for violations of the requirements of this chapter and the orders of the state or local boards of health. (95 v. 432.)

Sec. 4447. **(How quarantine rules shall apply.)** All rules and regulations passed by the board of health or health officer shall apply to all persons, goods or effects arriving by railroad, steamboat or other vehicle of transportation, after quarantine is declared. (95 v. 432.)

Sec. 4448. **(Board shall inspect schools and may close them and prohibit public gatherings.)** Semi-annually, and oftener if in its judgment necessary, the board of health shall inspect the sanitary condition of all schools and school buildings within its jurisdiction, and may disinfect any school building. During an epidemic or threatened epidemic, or when a dangerous communicable disease is unusually prevalent, the board may close any school and prohibit public gatherings for such time as it deems necessary. (95 v. 433.)

Sec. 4449. **(Gratuitous vaccination.)** The board of health may take measures and supply agents and afford inducements and facilities for gratuitous vaccination. (95 v. 433.)

Sec. 4450. Repealed. (112 v. 385.) For analogous section see G. C. 2293-7.

Sec. 4451. **(Duty of council to make levy.)** When expenses are incurred by the board of health under the provisions of this chapter, upon application and certificate from such board, the council shall pass the necessary appropriation ordinances to pay the expenses so incurred and certified. The council may levy and set apart the necessary sum to pay such expenses and to carry into effect the provisions of this chapter. Such levy shall, however, be subject to the restrictions contained in this title. (95 v. 433.)

Sec. 4452. **(Hospital for dangerous contagious disease.)** The

council of a municipality may purchase land within or without its boundaries and erect thereon suitable hospital buildings for the isolation, care or treatment of persons suffering from dangerous contagious disease, and provide for the maintenance thereof. The plans and specifications for such buildings shall be approved by the board of health. (95 v. 430.)

Sec. 4453. **(Expense of such buildings; bond issue.)** If, at an election held for that purpose, two-thirds of the votes cast are in favor thereof, the council may issue bonds and apply the proceeds thereof to such purposes. Such bonds may not exceed in amount twenty-five thousand dollars, with a rate of interest not to exceed five per cent per annum and the principal shall be paid within ten years. After the erection of such buildings, the council each year may make such appropriations for their care, use and maintenance as in its judgment are necessary. (95 v. 430.)

Sec. 4454. **(Board of health shall have charge and control.)** Such buildings shall be under the care and control of the board of health. The board shall appoint all employes or other persons necessary to the use, care and maintenance thereof and regulate the entrance of patients thereto and their care and treatment. (95 v. 430.)

Sec. 4455. **(Who may be removed to such hospital.)** When a person, suffering from a dangerous contagious disease, is found in a hotel, lodging house, boarding house, tenement house or other public place in the municipality, the board of health, if it deems it necessary for the protection of the public health, may remove such person to such hospital, where all needful provisions shall be made for his care and treatment, and, if able, the expense so incurred shall be paid by him. (95 v. 430.)

Sec. 4456. **(Quarantine hospital.)** A municipality may establish a quarantine hospital within or without its limits. If without its limits, the consent of the municipality or township shall be first obtained, but such consent shall not be necessary if the hospital is more than eight hundred feet from any occupied house or public highway. When great emergency exists, the board of health may seize, occupy and temporarily use for a quarantine hospital, a suitable vacant house or building within its jurisdiction. The board of health of a municipality having a quarantine hospital, shall have exclusive control thereof. (95 v. 430.)

Sec. 4457. **(Erection of buildings, destruction of property.)** The board of health may erect temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or

freight supposed to be infected, and may employ nurses, physicians and laborers sufficient to operate them and sufficient police to guard them. Such board may cause the disinfection, renovation or destruction of bedding, clothing or other property belonging to corporations or individuals when such action is deemed necessary by the board or a reasonable precaution against the spread of contagious or infectious diseases. (95 v. 432.)

Sec. 4458. **(Inspectors, appointments and duties.)** The board of health may appoint, define their duties and fix the compensation of, such number of inspectors of dairies, slaughter houses, shops, wagons, appliances, food and water supplies for animals, milk, meat, butter, cheese, and substances purporting to be butter or cheese, or having the semblance of butter or cheese, and such other persons as is necessary to carry out the provisions of this chapter, and such inspectors for such purposes may enter any house, vehicle or yard. The board may appoint and authorize the health officer to perform the duties of such inspectors. (95 v. 433.)

Sec. 4459. **(Record of meat and milk dealers; permit from board.)** The board of health shall keep for public inspection a record of the names, residences and places of business of all persons engaged in the sale of milk or meat, and may require permits, after inspection, to vend either milk or meat to be renewed semi-annually, for which a charge of not more than fifty cents may be made. If, upon the inspection, the cows, or milk are found to be kept in an unsanitary condition, the board may refuse to grant such permit or revoke one already given. The board may require a certificate from a licensed veterinarian that the cows furnishing milk brought for sale within its jurisdiction are free from tuberculosis or other dangerous disease. (95 v. 433.)

Sec. 4460. **(Duty of dairyman or vender of milk in case of certain diseases.)** In case scarlet fever, typhoid or other dangerous contagious or infectious disease should occur in the family of a dairyman or among his employes, or in a house in which milk is kept for sale, such dairyman or vender of such milk shall immediately notify the health officer of the municipality in which such milk is sold or offered for sale of the facts of the case, and the health officer may order the sale of such milk stopped pending an investigation and for such time thereafter as the board of health may require. The investigation shall be made without delay, and the board of health may make and enforce such orders as it deems necessary to prevent the sale of impure, adulterated and unwholesome milk or milk liable to carry disease. (95 v. 433.)

Sec. 4461. (**Inspection of dairies and places where dairy products are made.**) All dairies, including the cows, cow stables, milk houses and milk vessels, the owners of which offer for sale within the limits of the corporation any milk or butter manufactured by such owners, and any manufactory of butter or cheese or place where such substances, or either of them, are sold shall be subject to inspection by the inspectors. Such inspectors may enter any place where milk is sold or kept for sale and any vehicles used for the conveyance of milk within the corporate limits. They may also enter any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese, are manufactured, or any place where such substances are sold or kept for sale within the corporate limits. (95 v. 434.)

Sec. 4462. (**Test or analysis of dairy products.**) When an inspector has reason to believe that milk found in such municipality is impure or adulterated, or that any butter or cheese, or substance having the semblance of butter or cheese, found therein contains any impure, unwholesome or deleterious substance; or is being sold or offered for sale under a false or deceptive name or designation, or that any butter or cheese is not made from pure cream or milk, or that any substance having the semblance of butter or cheese is being sold or offered for sale without being branded or stamped, as required by law, he shall take specimens thereof and subject them to satisfactory tests, or, if the board of health so direct, to chemical analysis. The result of such test or analysis shall be recorded and preserved as evidence by such inspector and a certificate, sworn to by the analyst shall be admissible in evidence in prosecutions under this chapter or any law of the state. (95 v. 434.)

Sec. 4463. (**Employment of scavengers.**) The council may empower the board of health to employ such number of scavengers for the removal of swill, garbage and offal from the houses, buildings, yards and lots within the municipality, as it deems necessary. In such case the board may make contracts therefor, subject to the approval of council, to be signed by the proper officers of the council, and may regulate the work to be done. Upon the request of the board of health, it shall be the duty of council to lease or purchase suitable lands, the location of which shall be approved by the board of health to be used as a dump ground for such and other noxious substances removed from the municipality. (95 v. 435.)

Sec. 4464. (**Board may regulate the sale of ice for domestic use.**) No ice shall be cut to be sold or used for domestic purposes

in a municipality from a pond, lake, creek or river within the limits of such municipality unless a permit therefor is first obtained from the board of health thereof. No person shall sell or deliver ice in a municipality for domestic purposes unless a permit therefor is first obtained from the board of health thereof. Such board may refuse a permit or revoke a permit theretofore granted when, in its judgment, such ice would be detrimental to public health. (95 v. 330.)

Sec. 4465. **(Board may prohibit sale of ice for domestic purposes.)** The board of health may prohibit the sale or use of any ice for domestic purposes within the limits of the municipality when, in its judgment, it is unfit for use and the use thereof would be detrimental to public health. The board may prohibit, and, through its officers, stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality and in the same manner stop, detain and prevent the sale of such ice for domestic purposes within the limits of the municipality when, in its judgment, the use thereof would be detrimental to the public health. (95 v. 330.)

Sec. 4466. **(Penalty.)** Whoever violates any provision of the preceding two sections or an order or regulation of the board of health made in pursuance thereof, shall be fined not to exceed one hundred dollars. (95 v. 330.)

Sec. 4467. **(Term "sanitary plant" defined.)** The term "sanitary plant," as used herein, shall mean a structure with necessary land, necessary fixtures, appliances and appurtenances required for the treatment, purification and disposal in a sanitary manner of either or both the liquid or solid wastes of the municipality. (95 v. 435.)

Sec. 4468. **(Municipality may obtain plans and real estate for sanitary plant.)** Upon the recommendation of the board of health of a municipality, or, if the powers of such board have been vested in any other officer or board, upon the recommendation of such officer or board, the council may cause plans and estimates to be prepared and acquire by condemnation or otherwise such land or lands within or without the corporate limits as are necessary to provide for the proper disposal in a sanitary manner of the sewage, garbage and waste matters, and either or any of them, of the municipality. (95 v. 435.)

Sec. 4469. **(Approval of state board of health necessary.)** Upon obtaining the approval of the state board of health, the council may contract for, erect and maintain a sanitary plant or plants on the lands so acquired with all necessary buildings, machinery, appliances

and appurtenances for the treatment, purification and disposal in a sanitary and economic manner of the sewage or garbage, nightsoil, dead animals, offal, spoiled meats and fish or other putrid substances or any liquid or solid wastes or any substance injurious to the health of the municipality. (95 v. 435.)

Sec. 4470. **(Council may contract for removal of waste substances; expense thereof.)** The council may contract for a period of not to exceed five years for the collection and removal of such garbage, nightsoil, dead animals, and other solid waste substances at the expense of the municipality or at the expense of persons responsible for the existence of such waste substances. (95 v. 436.)

Sec. 4471. Repealed. (112 v. 364.)

Sec. 4472. **(Appointment of a sanitary board.)** Before submitting such proposition to a vote of the people, the council by resolution may determine to have all the work in connection with the erection and maintenance of such sanitary plant and the acquisition of the necessary real estate therefor put under the control of a sanitary board, which shall be appointed before such vote is taken. (95 v. 436.)

Sec. 4473. **(How sanitary board chosen.)** The sanitary board shall consist of two citizens from each of the two political parties casting the highest vote at the last preceding municipal election, who shall be appointed by the mayor, with the consent and approval of the council, and shall serve for a term of two years and until their successors are duly appointed. (95 v. 436.)

Sec. 4474. **(Compensation and powers of sanitary board.)** The sanitary board shall have such reasonable compensation as the council of the municipality prescribes. It shall have entire control of the erection and maintenance of the sanitary plant and the purchase of the necessary real estate therefor on behalf of the municipality. In its discretion it may modify the original plans and specifications, subject to the approval of the state board of health, but the total cost thereof shall not exceed the original estimate. (95 v. 436.)

Sec. 4475. Repealed. (112 v. 391.)

Sec. 4476. **(Annual and special reports.)** On or before the fifteenth day of January of each year, the board of health or health department shall make a report in writing for the preceding calendar year to the council of the municipality and to the state commissioner of health. Such report shall be on the sanitary condition and prospects of such municipality, and shall contain the statistics of deaths,

the action of the board and its officers and agents and the names thereof. It shall contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health. Such board of health and health departments shall promptly furnish any special report called for by the state commissioner of health. (108 v. Pt. 1, 250.)

Sec. 4577. **(Jurisdiction.)** The police court shall have jurisdiction of, and to hear, finally determine, and to impose the prescribed penalty for, any offense under any ordinance of the city, and of any misdemeanor committed within the limits of the city, within four miles thereof, or within the boundaries of lands situated beyond the city's corporate limits, which are owned by said municipality and are being used for a municipal purpose.

The jurisdiction of such court to make inquiry in criminal cases shall be the same as that of a justice of peace. Cases in which the accused is entitled to a jury trial, shall be so tried, unless a jury be waived. (120 v. S. 136. Eff. August 7, 1943.)

Sec. 4665. **(Right of visitation.)** The general assembly of the state, by a committee, the governor of the state, the council of the corporation, by a committee, the mayor or police judge of a corporation, the board of health of the corporation, the judge of any court of this state, and the grand jury of the county, may at any time visit and inspect any of the benevolent or correctional institutions established by any municipal corporation, and examine the books and accounts thereof. (R. S. 1544.)

Sec. 4785-46. **(Monthly report of deaths, convictions, change of name, etc.)** The chief health officer of each political subdivision containing any registration precincts shall file with the board, at least once each month, the names and residences of all persons, over twenty-one years of age, who have died within any registration precincts within such subdivision within such month, and the board shall cause all such names as appear upon the registration lists to be removed therefrom. At least once each month the judge of the probate court shall file with the board the names and residence addresses of all persons over twenty-one years of age who have been committed to any hospital for the insane, epileptic, or feeble-minded, and shall also file with the board the names of all persons over twenty-one years of age who may have changed their names by marriage, or otherwise. At least once each month the county clerk of courts shall file with the board the names and residence addresses of all persons over twenty-one years of age whose names have been changed

by order of court, or who have been convicted during the previous month of crimes which would disfranchise such persons under existing laws of the state. The board shall cause the registration forms of ineligible registrants to be removed from the files and cancelled. All clergymen authorized to perform marriages, which are not reported to public authorities, shall file with the board the names of all women over twenty-one years of age, who have changed their names by such marriage. (119 v. 269.)

Sec. 4830. (**School districts classified.**) The school districts of the state shall be styled, respectively, city school districts, local school districts, exempted village school districts, county school districts, joint high school districts and joint vocational school districts. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4830-1. (**City school district defined.**) The territory within the corporate limits of each city, excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes, shall constitute a city school district. When a city is reduced to a village, the city school district shall thereupon become a local school district. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4830-2. (**Local school district defined.**) Each school district, other than a city school district, exempted village school district, county school district, joint high school district or joint vocational school district, in existence on the effective date of this act, shall be known and styled as a local school district and shall continue to be known and styled as a local school district until it has lost its identity as a separate school district or has acquired a different styling as provided by law. All school districts created after the effective date of this act, other than city school districts, exempted village school districts, county school districts or joint vocational school districts, shall be known and styled as local school districts. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4830-3. (**Exempted village school district defined.**) Each school district known and styled as an exempted village school district on the effective date of this act shall, after the effective date of this act, be known and styled as an exempted village school district and shall continue to be known and styled as an exempted village school district until it has lost its identity as a separate school district or has acquired a different styling as provided by law. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4830-4. (**County school district defined.**) The territory

within the territorial limits of a county, exclusive of the territory embraced in any city school district, exempted village school district, and excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes shall constitute a county school district. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4830-5. **(Territory must be contiguous.)** The territory included within the boundaries of a city, local, exempted village or joint vocational school district shall be contiguous except where a natural island or islands forms an integral part of the district.

When territory is annexed to a city or village, such territory thereby becomes a part of the city school district or the school district of which the village is a part, and the legal title to school property in such territory for school purposes shall be vested in the board of education of the city or village school district. Provided, however, that an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the superintendent of public instruction, whose decision shall be final. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4834-11. **(Appropriation of land for school purposes.)** When necessary in the opinion of any board of education to procure or enlarge any site for a building to be used for public school purposes whether as class rooms, auditorium or for technical training, administrative, storage or other educational purposes; or to procure or enlarge grounds to be used for agricultural purposes, athletic field or playground for children; or for the purpose of erecting and maintaining buildings to be used as homes or houses for public school teachers when the cost of such erection has been contributed by private donations or for the purpose of providing an outlet to dispose of sewage for a school building or grounds, and the board of education and the owner of the property needed for such purposes, are unable to agree upon the sale and purchase thereof, the board shall make an accurate plat and description of the parcel of land which it desires for such purposes, and file them with the probate judge, or to the court of common pleas, or to a judge thereof in vacation, in the county in which the land sought to be taken is located. Thereupon the same proceedings of appropriation shall be had which are provided for the appropriation of private property by municipal corporations. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4836-6. **(Schools for tubercular pupils.)** The board of education of any city school district may establish such special schools as it deems necessary for youth of school age who are afflicted with

tuberculosis, and may cause all youth, within such district, so afflicted, to be excluded from the regular schools, and may provide for and pay from the school funds, the expense of transportation of such youth to and from such special schools. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4836-7. (**Instruction provided for tubercular children; expenses.**) The board of trustees of each district hospital for tuberculosis, the board of trustees of each county maintaining a county hospital for tuberculosis, and the managing officer or officers of each municipal hospital for tuberculosis, shall provide for the education of children of school age admitted to such hospital. The instruction so provided shall be directed by and be under the supervision of the county or city superintendent of schools in cooperation with the superintendent of the hospital. The expense incurred for salaries of teachers in a municipal tuberculosis hospital may be paid by the city board of education; that in a county tuberculosis hospital may be provided from the funds of the tuberculosis hospital or may be prorated, according to the number of children taught, to the county, city and exempted village boards of education of the county. The amount charged against a county school district shall be divided equally between the local school districts within the county school district, and the county auditor shall deduct from the tax funds in the county treasury due to such districts the amounts certified by the county board of education, which amounts shall be transferred to the county board of education fund. The amounts pro-rated to the city and exempted village district shall be deducted by the county auditor from the tax fund in the county treasury due such districts, and the amount so deducted together with the amount pro-rated to the county board of education and transferred to the county board of education fund shall be paid to the county hospital authorities. The expense of such instruction in the case of a district tuberculosis hospital shall be pro-rated at the end of each month to the boards of education of the various districts from which children have been received, according to the number of days the children were instructed, and bills for the respective amounts shall be paid by such local boards of education promptly upon presentation. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-5. (**Vaccination and immunization of pupils.**) The board of education of each city, exempted village or local school district may make and enforce such rules and regulations to secure the vaccination and immunization of, and to prevent the spread of communicable diseases among the pupils attending or eligible to attend

the schools of the district, as in its opinion the safety and interest of the public require. Boards of health, councils of municipal corporations, and trustees of townships, on application of the board of education of the district, at the public expense, without delay, shall provide the means of vaccination and immunization to such pupils as are not provided therewith by their parents or guardians. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-6. (**Appointment of physician, dentist, and nurse.**) The board of education of each city, exempted village or local school district may appoint one or more school physicians and one or more school dentists; provided two or more school districts may unite and employ one such physician and at least one such dentist whose duties shall be such as are prescribed by law. Said school physician shall hold a license to practice medicine in Ohio, and each such school dentist shall be duly licensed to practice in this state. School physicians and dentists may be discharged at any time by the appointing power whether the same be a board of education or board of health or health commissioner, as herein provided. School physicians and dentists shall serve one year and until their successors are appointed and shall receive such compensation as the appointing board may determine. Such boards may also employ trained nurses to aid in such inspection in such ways as may be prescribed by the board. The school dentists shall make such examinations and diagnoses and render such remedial or corrective treatment for the school children as may be prescribed by the board of education; provided that all such remedial or corrective treatment shall be limited to the children whose parents cannot otherwise provide for same, and then only with the written consent of the parents or guardians of such children. School dentists may also conduct such oral hygiene educational work as may be authorized by the board of education.

Such board may delegate the duties and powers, herein provided for, to the board of health or officer performing the functions of a board of health within the school district, if such board or officer is willing to assume the same. Boards of education shall cooperate with boards of health in the prevention and control of epidemics. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-7. (**Member of board can not be school physician, dentist, or nurse.**) No member of the board of education in any district in this state shall be eligible to the appointment of school physician, school dentist or school nurse during the period for which he or she is elected. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-8. **(Physical examinations and diagnoses of children, teachers, etc.; records.)** School physicians may make examinations which shall include tests to determine the existence of hearing defects and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health of the pupils, teachers and other school employees may require. Whenever a pupil, teacher or other school employee is found to be ill or suffering from positive open pulmonary tuberculosis or other communicable disease, the school physician shall promptly send such pupil, teacher or other school employee home, with a statement, in the case of a pupil, to its parents or guardian, briefly setting forth the discovered facts, and advising that the family physician be consulted. School physicians shall keep accurate card-index records of all examinations, and said records, that they may be uniform throughout the state, shall be according to the form prescribed by the superintendent of public instruction, and the reports shall be made according to the method of said form; provided, however, that if the parent or guardian of any pupils or any teacher or other school employee after notice from the board of education shall within two weeks thereafter furnish the written certificate of any reputable physician that the pupil, teacher or other school employee has been examined, in such cases the service of the medical inspector herein provided for shall be dispensed with, and such certificate shall be furnished by such parent or guardian from time to time, as required by the board of education. Such individual records shall not be open to the public and shall be solely for the use of the boards of education and health or other health officer. If any teacher or other school employee is found to have positive open pulmonary tuberculosis or other communicable disease, his or her employment shall be discontinued, or, at the option of the board, suspended upon such terms as to salary as the board may deem just until the school physician shall have certified to a recovery from such disease. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-9. **(Cooperation with district board of health in employment of physician or dentist.)** The board of education of any school district or when two or more boards of education choose to combine their efforts or funds for the purpose of employing a school physician or a school dentist, in cooperation with the general health district board of health, such board or boards of education, may provide for and pay compensation for such physician, dentist or nurse directly to said board of health in addition to that provided by the

county, township or other political subdivisions. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-10. (Board of health to make examination; report.)

Where the board of education of a city, exempted village or local school district has not employed a school physician, the board of health shall conduct the health examination of all school children in the health district and shall report the findings of such examination and make such recommendations to the parents or guardians as are deemed necessary for the correction of such defects as may need correction. It is provided that this authorization shall not be construed to require any school child to receive a medical examination or receive medical treatment whose parent or guardian objects thereto. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4838-11. (Certain institutions not permitted near schools.)

No person, firm, partnership or corporation shall hereafter establish any institution to house or care for the following persons within two thousand feet of any public, private or parochial school operating under the standards set by the school laws of Ohio or school land used for recreational purposes in connection with school activities:

1. Persons suffering from a communicable disease as defined by the director of the department of health of the state of Ohio.
2. Persons adjudged, pursuant to law, to be mentally ill, feeble-minded, epileptic or insane.

This section shall not apply to members of an established household suffering from the above ailments. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4839-6. (Operation of lunch rooms; school supplies; free lunches.) The board of education of any city, exempted village or local school district may provide facilities in the schools under its control for the preparation and serving of lunches, and other meals or refreshments to the pupils, the teachers, and to other employees therein, and to other persons taking part in or patronizing any activity in connection with the schools, and may provide the management of such lunchrooms, which facilities shall not be operated for profit; provided that the privileges and facilities granted hereunder by any board of education shall apply to all pupils and teachers and no restrictions or limitations shall operate against any such pupil or teacher in the use of such facilities except for reasons applicable to all alike.

No board of education, the principal or teacher of any school room, or class organization of any school district will be permitted

to sell or offer for sale, or supervise the sale of uniform school supplies, foods, candies, or like supplies for profit on the school premises except when the profit derived from such sale is to be used for school purposes or for any activity in connection with the school on whose premises such uniform school supplies, food, candies or supplies are sold or offered for sale. No individual student or class of students, acting as an agent for any person or group of persons directly connected with the school will be permitted to sell or offer for sale for profit outside the school building, any of the above mentioned and described articles, except when the profit derived from such sale is to be used for school purposes or for any activity in connection with the school.

Uniform school supplies shall be those adopted by the board of education for use in the schools of the district.

The enforcement of this law will be under the jurisdiction of the state department of education.

A board of education shall provide rotary funds for the operation of lunch rooms and for the purchase and sale of uniform school supplies either by appropriations from the general fund or accumulation from sales or receipts. Each such fund shall be kept separate from other transactions of the board.

The board of education may also make provision by appropriations out of the general fund of the district or otherwise for serving free lunches to such children as it may determine are in need thereof. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4851. (**Age and schooling certificates may be issued by superintendent.**) An age and schooling certificate may be issued only by the superintendent of schools of the district of residence of the child in whose name such certificate shall be issued and only upon satisfactory proof that the child to whom the certificate is issued is over sixteen years of age and has satisfactorily passed a test for the completion of the work of the seventh grade, provided that residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service.

Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children; and when the employer of any minor for whom such age and schooling certificate shall have been issued shall keep such age and schooling certificate on file as provided by law, the provisions of section 6245-2 of the General Code, shall not apply to such employer in

respect to such child while engaged in an employment legal for a child of the given sex and of the age stated therein.

Age and schooling certificate forms shall be formulated by the superintendent of public instruction, and except in cases otherwise specified by law must be printed on white paper. Every such certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. Blank certificates shall be furnished by the superintendent of public instruction upon request. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4851-1. **(Requirements before issuing certificate.)** The superintendent of schools shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed: (1) The written pledge or promise of the person, partnership or corporation to legally employ the child, to permit him to attend school as provided in section 4849-7 of the General Code, and to return to the superintendent of schools the age and schooling certificate of the child or give notice of the non-use thereof within two days from the date of the child's withdrawal or dismissal from the service of that person, partnership or corporation, giving the reasons for such withdrawal or dismissal.

(2) The school record of the child, properly filled out and signed by the person in charge of the school which the child last attended; giving the recorded age of the child, his address, standing in studies, rating in conduct, and attendance in days during the school year of his last attendance, and if that was not a full year, during the preceding school year.

(3) Evidence of the age of the child as follows:

(a) A certified copy of an original certificate of birth or a certification of birth, issued in accordance with section 1261-66 of the General Code, or by an officer charged with the duty of recording births in another state or country, shall be conclusive evidence of the age of the child.

(b) In the absence of such certificate, a passport (or duly attested transcript thereof) showing the date and place of birth of the child, filed with a register of passports at a port of entry of the United States; or a duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of the child, shall be conclusive evidence of the age of the child.

(c) In case no one of the above proofs of age can be produced, other documentary evidence (except the affidavit of the parent, guardian or custodian) satisfactory to the superintendent of schools may be accepted in lieu thereof.

(d) In case no documentary proof of age can be procured, the superintendent may receive and file an application signed by the parent, guardian or custodian of the child that a physician's certificate be secured to establish the sufficiency of the age of the child. Such application shall state the alleged age of the child, the place and date of birth, his present residence, and such further facts as may be of assistance in determining the age of the child, and shall certify that the person signing the application is unable to obtain any of the documentary proofs specified in (a), (b) and (c) above.

If the superintendent of schools is satisfied that a reasonable effort to procure such documentary proof has been without success such application shall be granted and the certificate of the school physician or if there be none, of a physician employed by the board of education, that said physician is satisfied that the child is above the age required for an age and schooling certificate as stated in section 4851 of the General Code, shall be accepted as sufficient evidence of age.

(4) A certificate from the school physician or physician designated by him, or if there be no school physician from the district health commission* or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age.

But a certificate with the word limited written, printed or stamped diagonally across its face may be furnished by the school physician or other person indicated in the above sentence, and accepted by the superintendent of schools in issuing a "limited" age and schooling certificate provided in section 4851-5 of the General Code, showing that the child is physically fit to be employed in some particular occupation not prohibited by law for a boy or girl as the case may be of the child's age which the child contemplates entering even if the child's complete physical ability to engage in any occupation as required in the preceding sentence cannot be vouched for. (120 v. H. 217. Eff. September 16, 1943.)

*Should read commissioner.

Sec. 4853-9. (**Abstract of enumeration returns; duplicate transcripts.**) On or before the third Saturday of August the auditor of each county shall transmit to the superintendent of public instruction on blanks furnished by him a duly certified abstract of the enumeration returns made to him; and at the same time such auditor shall transmit to the juvenile judge of the county, duplicate transcripts of the list of crippled children residing in each school district of the

county, as shown by said school enumeration reports, and, if upon examination and investigation of such reports, the juvenile judge has reason to believe the report is incomplete or inaccurate, he shall transmit a written order to the county auditor, directing him to procure an enumeration of all the crippled children, as provided in section 4853-12 of the General Code. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4853-10. (Copy of duplicate transcripts to health commissioner; examination of crippled children.) Within thirty days after receiving such duplicate transcripts of the list of crippled children from the auditor, each juvenile judge shall transmit a copy thereof to the health commissioner of each health district in his county, so far as the same contains the names of crippled children residing in the district of the respective health commissioners; and each health commissioner shall, within sixty days thereafter, provide examination of each crippled child on such list, and transmit to the juvenile judge and the Ohio department of health a report, on a form prescribed by the director of health, which shall be complete in describing such disability. Whenever such health commissioner is so directed by the state director of health, he shall make application in the juvenile court for the proper care, treatment, and education for such crippled child or children, as provided in section 1352-8 of the General Code, for the purpose of obtaining treatment and care for all crippled children in his health district. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 4855. (Board shall provide transportation, when.) In all city, exempted village and local school districts where resident elementary school pupils live more than two miles from the school to which they are assigned the board of education shall provide transportation for such pupils to and from school except when in the judgment of such board of education, confirmed, in the case of a local school district, by the county board of education, or, in the case of a city or exempted village school district, by the judge of the probate court, that such transportation is unnecessary.

In all city, exempted village and local school districts the board of education may provide transportation for resident high school pupils to the high school to which they are assigned.

In all city, exempted village and local school districts the board of education shall provide transportation for all children who are so crippled that they are unable to walk to the school to which they are assigned. In case of dispute whether the child is able to walk to the school or not, the district health commissioner shall be judge of such ability.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board of education not later than ten days after the beginning of the school term. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 5625-15a. **(Tax levy for tuberculosis hospital.)** The board of county commissioners of any county, at any time prior to September 15 in any year, after providing the normal and customary percentage of the total general fund appropriations for the support of tuberculosis hospitals, by vote of two-thirds of all the members of said board may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the support of tuberculosis hospitals, and that it is necessary to levy a tax in excess of the ten-mill limitation to supplement such general fund appropriations for such purpose, but the total levy for this purpose shall not exceed sixty-five one hundredths of a mill.

Such resolution shall conform to the requirements of section 5625-15 of the General Code and be certified and submitted in the manner provided in section 5625-17 of the General Code.

If the majority of electors voting on a levy to supplement general fund appropriations for the support of tuberculosis hospitals vote in favor thereof, the board of county commissioners of said county may levy a tax within such county at the additional rate outside the ten-mill limitation during the period and for the purpose stated in the resolution or at any less rate or for any of the said years. (119 v. 55.)

Sec. 5625-20. **(Adoption of tax budget; preparation; contents; procedure for participation by public library; library services to inhabitants of county; branch libraries.)** On or before the 15th day of July in each year, the taxing authority of each sub-division or other taxing unit shall adopt a tax budget for the next succeeding fiscal year. To assist in its preparation, the head of each department, board or commission, and each district authority entitled to participate in any appropriation or revenue of a sub-division shall file with the taxing authority thereof, or in the case of a municipality with its chief executive officer, before the first of June in each year, an estimate of contemplated revenue and expenditures for the ensuing fiscal year in such form as shall be prescribed by the taxing authority of the sub-division or by the bureau. The taxing authority shall include in its budget of expenditures the full amounts requested therefrom by district authorities, not to exceed the amount authorized by the law applicable thereto, if such law gives such authorities the right to

fix the amount of revenue they are to receive from the subdivision. In a city in which a special levy for a municipal university has been authorized to be levied outside of the ten mill limitation, or is required by the charter of the municipality, the taxing authority shall include an amount not less than the estimated yield of such levy, if such amount be requested by the board of directors of the municipal university.

The board of trustees of any public library, desiring to participate in the proceeds of classified property taxes collected in the county, shall adopt appropriate rules and regulations extending the benefits of the library service of such library to all the inhabitants of the county (excepting to the inhabitants of subdivisions maintaining a public library participating in the proceeds of classified property taxes) on equal terms, unless such library service is by law available to all such inhabitants, and shall certify a copy of such rules and regulations to the taxing authority with its estimate of contemplated revenue and expenditures. In all cases in which such rules and regulations have been so certified and in which the adoption of such rules and regulations is not required, the taxing authority shall include in its budget of receipts such amounts as shall have been specified by such library trustees as contemplated revenue from classified property taxes, and in its budget of expenditures the full amounts requested therefrom by such board of library trustees. The board of trustees of any public library participating in the proceeds of classified property taxes may supply library services to the inhabitants of the county on the same basis that said board is empowered to supply library services to the inhabitants of the sub-division maintaining said library. The board of trustees of a public library may establish branch libraries, library stations, and may provide traveling book service, and may do any and all other things necessary to provide county wide library service as it is empowered to do in rendering service to the residents of the subdivision maintaining said library, except in another sub-division maintaining a public library participating in the proceeds of classified property taxes. (119 v. 222.)

Sec. 5625-25. **(Certification of budget; revision.)** When the budget commission has completed its work it shall forthwith certify its action to the taxing authority of each subdivision and other taxing unit within the county, together with an estimate by the county auditor of the rate of each tax necessary to be levied by each taxing authority within its subdivision or taxing unit, and what part thereof is without, and what part within the ten mill tax limitation. Each taxing authority by ordinance or resolution, shall authorize the neces-

sary tax levies and certify them to the county auditor before the first day of October in such year, or at such later date as may be approved by the tax commission of Ohio. If the proposition of levying a tax to be placed on the duplicate of the current year is approved by the electors of the subdivision under the provisions of this act, or refunding bonds to refund all or parts of the principal of bonds payable from a tax levy for the ensuing fiscal year are issued or are sold and are in the process of delivery, the budget commission shall reconsider and revise its action on the budget of the subdivision for whose benefit the tax is to be levied after the returns of such election are fully canvassed, or after the issuance or sale of such refunding bonds have been certified to it. (116 v. 377.)

Sec. 5652. (**Application for registration; fee; penalty.**) Every person who owns, keeps or harbors a dog more than three months of age, annually, before the first day of January of each year, shall file together with a registration fee of one dollar for each male or spayed female dog, and a registration fee of three dollars for each female dog unsplayed, in the office of the county auditor of the county in which such dog is kept or harbored, an application for registration for the following year beginning the first day of January of such year, stating the age, sex, color, character of hair, whether short or long, and breed, if known, of such dog, also the name and address of the owner of such dog. Provided that an affidavit shall be made to the county auditor and filed with application for registration of each spayed female dog, stating that said female dog has been effectively spayed. And provided further that if such application for registration is not filed and said fee paid on or before the twentieth day of January of each year, the county auditor shall assess a penalty of one dollar upon such owner, keeper or harbinger, which must be paid with the registration fee. Provided, however, no person shall be charged a penalty where the dog is bought from outside of the state of Ohio or becomes three months of age after January twentieth of any year, and provided said license shall be applied for within thirty days after said dog is bought or becomes three months of age. (112 v. 347.)

Sec. 5652-1. (**Registration and fee for kennel.**) Every owner of a kennel of dogs bred or kept for sale shall in like manner as in G. C. Sec. 5652 provided, make application for the registration of such kennel, and pay therewith to the county auditor a registration fee of \$10 for such kennel. Provided, however, that the payment of such kennel license fee shall entitle the holder thereof to not more than five tags to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith

by such licensee, with the tags provided for in G. C. Sec. 5652-4. (112 v. 347.)

Sec. 5652-1a. **(Kennel owner defined.)** A kennel owner is hereby defined as being a person, persons, partnership, firm, company or corporation professionally engaged in the business of breeding dogs for hunting or for sale. (108 v. Pt. 1, 534.)

Sec. 5652-2. **(Requirements of persons becoming the owner of a dog or dog kennel.)** Every person immediately upon becoming the owner, keeper or harbourer of any dog more than three months of age or becoming the owner of a dog kennel, during any year, shall file like applications, with fees, as required by sections 5652 and 5652-1 for registration for the year beginning January first prior to the date of becoming the owner, keeper or harbourer of such dog or owner of such dog kennel. (107 v. 534.)

Sec. 5652-3. **(Duty of county auditor upon payment of fee; record.)** Upon the filing of such application for registration and the payment of such registration fee, the county auditor shall assign a distinctive number to every dog or dog-kennel described in such application, and deliver a certificate of registration bearing such number to the owner thereof. A permanent record of all certificates of registration issued, together with the applications therefor, shall be kept by such county auditor in a dog and kennel register, which shall be open to the inspection of any person during reasonable business hours. (107 v. 534.)

Sec. 5652-4. **(Metal tag; form, character and lettering; duplicates.)** In addition to the certificate of registration provided for by section 5652-3, the county auditor shall issue to every person making application for the registration of a dog and paying the required fee therefor, a metal tag for each dog so registered. The form, character and lettering of such tag shall be prescribed by the state bureau of inspection and supervision of public offices. If any such tags be lost, duplicate shall be furnished by the county auditor upon proper proof of loss and the payment of twenty-five cents for each duplicate tag so issued. [108 v. Pt. 1, 534.)

Sec. 5652-5. **(Certificates and tags valid for one year.)** Certificates of registration and registration tags shall be valid only during the year for which they are issued. (107 v. 535.)

Sec. 5652-6. **(Registered dog to wear tag; when dog shall be impounded.)** Every registered dog, except dogs constantly confined to registered kennels, shall at all times wear a valid tag issued in connection with the certificate evidencing such registration. Failure

at any time to wear such valid tag shall be prima facie evidence of lack of registration and shall subject any dog found not wearing such valid tag to impounding, sale or destruction, as hereinafter provided. (107 v. 535.)

Sec. 5652-7. (Appointment of county dog warden and deputies; bond; powers and duties. Stealing of dog; penalty.) County commissioners shall appoint or employ a county dog warden and deputies to such number, for such periods of time, and at such compensation, as such county commissioners shall deem necessary to enforce the provisions of the General Code relative to the licensing of dogs, the impounding and destruction of unlicensed dogs, and the payment of compensation for damages to live stock inflicted by dogs.

Such county dog warden and deputies shall each give bond in a sum not less than five hundred dollars and not more than two thousand dollars conditioned for the faithful performance of their duties. Such bonds to be filed with the county auditor of their respective counties. Such county dog warden and deputies shall make a record of all dogs owned, kept and harbored in their respective counties. They shall patrol their respective counties, seize and impound on sight all dogs more than three months of age, found not wearing a valid registration tag, except dogs kept constantly confined in a registered dog kennel. They shall also investigate all claims for damages to live stock inflicted by dogs. They shall make weekly reports, in writing, to the county commissioners of their respective counties of all dogs seized, impounded, redeemed and destroyed, also, all claims for damage to live stock inflicted by dogs. County dog wardens and deputies shall have the same police powers as are conferred upon sheriffs and police officers in the performance of their duties as prescribed by this act. They shall, likewise, have power to summon the assistance of bystanders in performing their duties and may serve writs and other legal processes issued by any court in their respective counties with reference to enforcing the provisions of this act. County auditors may deputize such county dog wardens or deputies to issue dog licenses as provided in G. C. Secs. 5652 and 5652-7a. Whenever any person shall file an affidavit in a court of competent jurisdiction that there is a dog more than three months of age, running at large that is not kept constantly confined in a registered dog kennel, and not wearing a valid registration tag, or is kept or harbored in his jurisdiction, such court shall forthwith order the county dog warden to seize and impound such animal. Thereupon such dog warden shall immediately seize and impound such dog so complained of. Such officer shall forthwith give notice to the owner of such

dog, if such owner be known to the officer, that such dog has been impounded, and that the same will be sold or destroyed if not redeemed within three days. If the owner of such dog be not known to the dog warden, he shall post a notice in the county court house describing the dog and place where seized and advising the unknown owner that such dog will be sold or destroyed if not redeemed within three days.

Whoever steals a dog which has been registered under the provision of this chapter shall be fined not less than \$50.00 nor more than \$500.00 or be sentenced to not less than ten days nor more than thirty days in the county jail. (112 v. 348.)

Sec. 5652-7a. **(Action of county commissioners when there is insufficient money in the dog and kennel fund to pay claims.)** If in any year there should not be sufficient money in the dog and kennel fund, after paying the expenses of administration, to pay the claims allowed for live stock injured or destroyed by dogs, the county commissioners between December 1st and December 15th shall ascertain the number of claims entered and the amount of money allowed for live stock injured and destroyed, and, also the total expense incurred by the administration of the dog law, such commissioners shall also ascertain the amount received for dog and kennel licenses. The license fees for the ensuing year shall then be fixed at such an amount that when multiplied by the number of licenses issued during the previous year the product will equal the aggregate of the claims for injured and destroyed live stock allowed by said county commissioners, plus the balance of said allowed claims remaining unpaid, plus the expense of administration. The increase in said license fee shall always be in the ratio of one dollar for male or spayed female dogs, three dollars for unspayed female dogs and ten dollars for a dog kennel license. (112 v. 349.)

Sec. 5652-7b. **(License fee of any dog becoming three months of age and dog purchased outside state.)** The license fee for any dog, becoming three months of age, after July 1st of any year and the license fee of any dog purchased from outside of the state of Ohio after July 1st of any year, shall be one-half of the original fee. (112 v. 349.)

Sec. 5652-7c. **(Transfer of ownership certificate; fee.)** Upon the transfer of ownership of a dog the person selling such dog shall give the buyer a transfer of ownership certificate which shall be signed by the seller, such certificate shall contain the licensed number of such dog, the name of the person selling the dog and a brief description of the dog sold. Blank forms of such certificate may be obtained

from the county auditor, a transfer of ownership shall be recorded by the county auditor upon presenting a transfer of ownership certificate signed by the former owner and accompanied by a fee of twenty-five cents. Whoever fails to comply with the provisions of this section upon conviction shall be fined not less than five dollars, nor more than twenty-five dollars. (112 v. 349.)

Sec. 5652-8. **(Duties of commissioners relative to impounding dogs.)** County commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner, and except as hereinafter provided, also provide a suitable place for impounding dogs, and make proper provision for feeding and caring for the same, and shall also provide humane devices and methods for destroying dogs. Provided, however, that in any county in which there is a society for the prevention of cruelty to children and animals, incorporated and organized as provided by law, and having one or more agents appointed in pursuance to law, and maintaining an animal shelter suitable for a dog pound and devices for humanely destroying dogs, the county commissioners shall not be required to furnish a dog pound, but the county dog warden shall deliver all dogs seized by him and his deputies to such society for the prevention of cruelty to children and animals at its animal shelter, there to be dealt with in accordance with the law, and the county commissioners shall provide for the payment of reasonable compensation to such society for its services so performed out of the dog and kennel fund. Provided, further, that the county commissioners may designate and appoint any officer or officers regularly employed by any society organized as provided by G. C. Secs. 10062 to 10067, inclusive, to act as county dog warden or deputies for the purpose of carrying out the provisions of this act, if such society whose agent or agents are so employed, owns or controls a suitable place for keeping and destroying dogs. (112 v. 349.)

Sec. 5652-9. **(Housing and feeding; disposition of dogs.)** Dogs not wearing valid registration tags which have been seized by the county dog warden and impounded as hereinbefore provided, shall be kept, housed and fed for three days, at expiration of which time, unless previously redeemed by the owners thereof, such animals shall either be sold or be humanely destroyed; provided, however, that no dogs so sold shall be discharged from said pound until such animal shall have been registered and furnished with a valid registration tag as hereinbefore provided. A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of costs assessed against such dog, as hereinafter provided,

shall be kept by the pound keeper and a transcript thereof by him furnished to the county treasurer quarterly. (112 v. 350.)

Sec. 5652-10. (**Costs assessed.**) Costs shall be assessed against every dog seized and impounded under the provisions of this act as follows:

Filing affidavit and issuing order to seize dog.....	\$0.50
Seizing dog and delivering to pound.....	2.00
Serving or posting of notice to owner.....	.25
Housing and feeding dog per day.....	.50
Selling or destroying dog.....	.50

Such costs shall be a valid claim in favor of the county against the owner, keeper or harbinger of a dog seized and impounded under the provisions of this act and not redeemed or sold as hereinafter provided, and such costs shall be recovered by the county treasurer in a civil action against the owner, keeper or harbinger. (112 v. 350.)

Sec. 5652-11. (**When dog may be redeemed.**) The owner, keeper or harbinger of any dog not wearing a valid registration tag, seized and impounded under the provisions of this act, at any time prior to the expiration of three days from the time such animal is impounded, may redeem the same by paying to the dog warden or pound keeper all of the costs assessed against such animal and providing such animal with a valid registration tag. (112 v. 350.)

Sec. 5652-12. (**Moneys deposited to credit of dog and kennel fund.**) All funds received by the dog warden or pound keeper in connection with the administration of this act shall be deposited in the county treasury and placed to the credit of the dog and kennel fund. (112 v. 351.)

Sec. 5652-13. (**Uses and purposes of the dog and kennel fund.**) The registration fees provided for in this act shall constitute a special fund known as the dog and kennel fund which shall be deposited by the county auditor in the county treasury daily as collected and be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets and other equipment, also paying the compensation of county dog wardens, deputies, pound keeper and other employees necessary to carry out and enforce the provisions of the laws relating to the registration of dogs, and for the payment of animal claims as provided in G. C. Secs. 5840 to 5849, both inclusive, and in accordance with the provisions of G. C. Sec. 5653. Provided, however, that the county commissioners by resolution shall appropriate sufficient funds out of the dog and kennel fund, said funds so appropriated not to

exceed 50% of the gross receipts of said dog and kennel fund in any calendar year, not more than three-tenths of which shall be expended by the county auditor for registration tags, blanks, records and clerk hire for the purpose of defraying the necessary expenses of registering, seizing, impounding and destroying dogs in accordance with the provisions of G. C. Sec. 5652 and, supplemental sections. (112 v. 351.)

Sec. 5652-14. **Penalty for failure to file application.)** Whoever, being the owner, keeper or harbinger of a dog more than three months of age or being the owner of a dog kennel fails to file the application for registration required by law, or to pay the legal fee therefor, shall be fined not less than ten nor more than twenty-five dollars, and the costs of prosecution. Whoever obstructs or interferes with anyone lawfully engaged in capturing an unlicensed dog or making examination of a dog wearing a tag shall be fined not less than ten dollars nor more than one hundred dollars. (112 v. 351.)

Sec. 5652-14a. **(Confinement of female dogs when in heat; and all dogs between sunset and sunrise; penalty.)** It shall be unlawful for the owner, keeper or harbinger of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such female dog is properly in leash.

The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog either confined upon the premises of the owner or firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises of the owner or keeper, or under reasonable control of some person or when lawfully engaged in hunting accompanied by an owner or handler.

Whoever fails to keep any dog in their possession lawfully under control as provided in this act shall be liable to a fine of not less than ten dollars, nor more than twenty-five dollars. (112 v. 351.)

Sec. 5652-14b. **(Failure of county dog warden to perform duties; penalty.)** The county dog warden of any county who wilfully fails to perform his duties under Sec. 5652-7 or other duties required of dog wardens by law shall upon conviction thereof be fined not less than twenty-five dollars nor more than fifty dollars. (112 v. 352.)

Sec. 5652-15. **(Wearing fictitious or altered tag unlawful.)** Whoever owns, keeps or harbors a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the county auditor in connection with the registration of such animal, shall be

fine not more than one hundred dollars, and the costs of prosecution. All fines collected under the provisions of Secs. 5652-7c, 5652-14, 5652-14a, 5652-14b and 5652-15 shall be deposited in the county treasury to the credit of the dog and kennel fund. (112 v. 352.)

Sec. 5652-16. (**Declaring quarantine when rabies are prevalent; duty of dog warden.**) Whenever in the judgment of any city or general health district board of health, or person or persons performing the duties of a board of health, rabies shall be declared to be prevalent, such board of health, or person or persons performing the duties of such board of health, shall declare a quarantine of all dogs in such health district, or part thereof. The quarantine so declared shall consist of the confinement of any dog or dogs on the premises of the owner or in a suitable pound or kennel if a pound or kennel is provided by the city or county; provided, a dog may be permitted to leave the premises of the owner if under leash or under the control of the owner or other responsible person. The quarantine order herein authorized shall be considered an emergency and need not be published.

When a quarantine of dogs has been declared in any health district, or part thereof, it shall be the duty of the dog warden and all other persons having the authority of police officers to assist the health authorities in enforcing the provisions of the quarantine order.

The penalty for the violation of the rabies quarantine order shall be the same as provided for the violation of other orders or regulations of the board of health. (112 v. 352.)

Sec. 5653. (**Disposition of surplus fund.**) After paying all of the necessary expenses of administering the sections of the General Code relating to the registration, licensing, seizing, impounding and destroying of dogs and making compensation for injuries to live stock inflicted by dogs, also after paying all horse, sheep, cattle, swine, mule and goat claims, at the December session of the county commissioners, if there remain more than one thousand dollars of the dog and kennel fund arising from the registration of dogs and dog kennels for such year in a county in which there is a society for the prevention of cruelty to children and animals, incorporated and organized by law, and having one or more agents appointed in pursuance to law, or any other society organized as provided in G. C. Secs. 10062 to 10067, inclusive, that owns or controls a suitable dog kennel or a place for the keeping and destroying of dogs which has one or more agents appointed and employed in pursuance to law, all such excess as the county commissioners deem necessary for the uses and purposes of such society by order of the county commission-

ers and upon the warrant of the county auditor shall be paid to the treasurer of such society.

Provided that in a county in which there is such society organized by law, after the county commissioners have paid such society such excess as they deem necessary; or in any county in which there is no such society organized as provided by law, if there should remain in such fund a sum in excess of five thousand dollars, after all legitimate expenses chargeable to such fund have been paid, any sum in excess of such five thousand dollars shall be transferred to the county general fund. (112 v. 352.)

Sec. 5777. **(Drug adulteration defined.)** A drug is adulterated within the meaning of this chapter (1) if, when sold under or by a name recognized in the official United States Pharmacopoeia or in the official national formulary, or in any supplement to either of them, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the official United States Pharmacopoeia or in the official National Formulary, or in any supplement to either of them, but which is found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol. (120 v. S. 243. Eff. August 19, 1943.)

Sec. 5778. **(Food, drink, confectionery, or condiment adulteration defined.)** Food, drink, confectionery or condiments are adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it

contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by name recognized in the official United States Pharmacopoeia or in the official National Formulary, or in any supplement to either of them, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the official United States Pharmacopoeia or in the official National Formulary, or in any supplement to either of them, but if found in some other pharmacopoeia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity, laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol; (12) if water or any other substance has been added for the purpose of increasing its weight. (120 v. S. 243. Eff. August 19, 1943.)

Sec. 5784. **(Misbranding of drugs defined.)** A drug shall be misbranded within the meaning of this chapter: (1) if the package fails to bear a statement on the label of the quantity or proportion of grain or ethyl alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis, chloral hydrate, acetanilid or any derivative or preparation of such substances contained therein, provided, that the provisions of this section shall not apply to the prescriptions of regular licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the official United States Pharmacopoeia or in the official National Formulary, or in any supplement to either of them, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon bears a statement, design or device regarding it or the ingredients or substances contained therein, which is false or misleading in any particular; (3) if the package containing it or any label thereon bears or contains any statement, design or device regarding the curative or the therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent. (120 v. S. 243. Eff. August 19, 1943.)

Sec. 5837. **(When dog may be considered property.)** A dog which has been listed and valued for taxation as personal property, and the tax upon such valuation and per capita tax upon such dog having been paid, if due, shall be considered as personal property and have all the rights and privileges and be subject to like lawful restraints as other live stock. A recovery shall not be had for the

malicious and unlawful killing of such dog in excess of double the amount for which it is so listed. (94 v. 118.)

Sec. 5838. (When dog may be killed; owner liable for damages.)

A dog that chases, worries, injures or kills a sheep, lamb, goat, kid, domestic fowl, domestic animal or person, can be killed at any time or place; and, if in attempting to kill such dog running at large a person wounds it, he shall not be liable to prosecution under the penal laws which punish cruelty to animals. The owner or harbinger of such dog shall be liable to a person damaged for the injury done. (94 v. 118).

Sec. 5839. (When dog is a nuisance.) The court or justice, before which the recovery is had for such injury, shall declare such dog to be a common nuisance and order the defendant to kill it or cause it to be killed within twenty-four hours thereafter, or order a constable, marshal or sheriff to kill it. (94 v. 118.)

Sec. 5840. (Loss or injury to animals by dogs.) Any owner of horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry having an aggregate value of ten dollars or more which have been injured or killed by a dog not belonging to him or harbored on his premises, in order to be entitled to enter a claim for damages must notify a county commissioner in person or by registered mail within forty-eight hours after such loss or injury has been discovered, and such commissioner shall immediately notify the dog warden or other enforcing officer of such loss or injury, whose duty it shall be to have the facts of such loss or injury investigated at once. The owner of such horses, sheep, cattle, swine, mules, goats, or domestic fowls or poultry having a value of ten dollars or more, may present to the township trustees of the township in which such loss or injury occurred, within sixty days a detailed statement of such loss or injury done, supported by his affidavit that it is a true account of such loss or injury. A duplicate of such statement shall be presented to the county commissioners of the county in which such loss or injury occurred. If such statements are not filed within sixty days after the discovery of such loss and injury no compensation shall be made therefor. Such statement shall set forth the kind, grade, quality, and value of the horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry having a value of ten dollars or more so killed or injured, and the nature and amount of the loss or injury complained of, the place where such loss or injury occurred, and all other facts in the possession of the claimant which would enable the dog warden to fix the responsibility for such loss or injury. Statements of the nature and amount of the loss or injury complained of shall

be supported by the testimony of at least two freeholders who viewed the results of the killing or injury and who can testify thereto. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5841. **(Proof required of owner.)** Before any claim shall be allowed by the trustees to the owner of such horses, sheep, cattle, swine, mules, goats or domestic fowls or poultry having a value of ten dollars or more, it shall be proved to the satisfaction of the trustees:

(1) That the loss or injury complained of was not caused in whole or in part by a dog or dogs kept or harbored on the owner's premises, or;

(2) If the dog or dogs causing such loss or injury were kept or harbored on such owner's premises, that such dog or dogs were duly registered and that they were destroyed within forty-eight hours from the time of the discovery of the fact that the injury was so caused.

If the owner of the dog or dogs causing such loss or injury is known, it shall be the duty of the trustees to bring an action to recover such damage from the owner of said dog or dogs, if in their judgment said damage could be collected, unless it is shown to said trustees that said dog or dogs were duly registered and that they were destroyed within forty-eight hours after discovery of the fact that the loss was so caused. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5842. **(Trustees shall receive other information.)** The township trustees shall receive any other information or testimony that will enable them to determine the value of the horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry having a value of ten dollars or more so killed or injured. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5843. **(Registered stock; requirements relative thereto.)** If the horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry having a value of ten dollars or more whose killing or injury is complained of are registered in any accepted association of registry, the registration papers shall be filed with the trustees showing the lines of breeding, age and other matters therein contained. If such animals killed or injured are the offspring of registered stock and eligible to register, the registry papers showing the breeding of such offspring shall be filed with the trustees, who shall allow the actual value of such offspring for breeding purposes and may receive affidavits or any other evidence bearing on the subject, that will assist them in determining the true value thereof. Such

trustees shall determine from all the testimony, affidavits, or other evidence at their disposal, the amount of the damage to same. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5844. **(Trustees shall hear claims in their order of filing; other duties.)** The township trustees shall hear such claims in the order of their filing and may allow them in full or such parts thereof as the testimony shows to be just. They shall endorse the amount allowed on each claim and transmit their findings with the testimony so taken and the fees due witnesses in each case over their official signatures, to the county commissioners in care of the county auditor, who shall enter each claim so reported upon a book to be kept for that purpose in the order of their receipt. (107 v. 538.)

Sec. 5845. **(Witness fees and mileage; affidavit by tenant or employe; when.)** Witnesses not exceeding four in number, as provided in the next preceding section, shall be allowed fifty cents each and mileage at the rate of five cents per mile, going and returning, in each case. The trustees shall administer an oath or affirmation to each claimant or witness.

If the horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry having a value of ten dollars or more killed or injured, are in the care of an employe or tenant of the owner thereof, the affidavit provided in section 5840, may be made by such employe or tenant, whose testimony may be received in regard to all matters relating thereto to which said owner would be competent to testify. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5846. **(Payments out of dog and kennel fund.)** The county commissioners at the next regular meeting after such claims have been submitted as provided in the preceding sections shall examine same and may hear additional testimony or receive additional affidavits in regard thereto and may allow the amount previously determined by the township trustees or a part thereof, or any amount in addition thereto as they may find to be just, to be paid out of the fund created by the registration of dogs and dog kennels and known as the dog and kennel fund. Such claims as are allowed in whole or in part shall be paid by voucher issued by the county auditor at the close of the following calendar month, after such claims have been finally allowed. If the funds are insufficient to pay said claims, they shall be paid in the order allowed at the close of the next calendar month in which there is sufficient funds available in said dog and kennel fund. (112 v. 353.)

Sec. 5847. **(Who shall furnish blanks.)** All accounts against the

dog and kennel fund and all accompanying affidavits and testimony shall be upon blanks furnished by the county commissioners, the form for which shall be prepared by the secretary of state. (107 v. 539.)

Sec. 5848. (**Owner of killed or injured animals may appeal to probate court, when.**) An owner of horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry having a value of ten dollars or more so killed or injured, not being satisfied with a final allowance made by the commissioners, as provided in section fifty-eight hundred and forty-six, within thirty days thereafter may take an appeal from such finding to the probate court of the county by filing, as party plaintiff, a petition in such court setting out the facts in the case as contended for by the owner. Proceedings shall be had thereon as provided by law in civil cases and the county commissioners shall be made party defendant. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5849. (**Number of witnesses allowed; how costs paid.**) The probate court shall hear such proceedings as in equity and determine the value of the horses, sheep, cattle, swine, mules, goats and domestic fowls or poultry killed or injured, but not more than three witnesses shall be called by each party. The amount found by such court shall be final and the judge thereof shall certify it to the county commissioners when like proceedings shall be had as to payment thereof, as if such amount had been found by the commissioners in the first instance.

If an increased allowance is made by such court, the costs shall be paid equally by the parties, and if no increase is made, the plaintiff shall pay all the costs. (120 v. H. 171. Eff. September 16, 1943.)

Sec. 5850. (**Limit of amount.**) No amount shall be so allowed by the county commissioners or probate court for a head of registered sheep or lambs, eligible for registry, in excess of thirty dollars. (R. S. 4215.)

Sec. 5851. (**Reimbursement of person injured by a mad dog or other animal.**) A person bitten or injured by a dog, cat or other animal afflicted with rabies, if such injury has caused him to employ medical or surgical treatment or required the expenditure of money, within four months after such injury and at a regular meeting of the county commissioners of the county where such injury was received, may present an itemized account of the expenses incurred and amount paid by him for medical and surgical attendance, verified by his own affidavit and that of his attending physician; or the administrator or

executor of a deceased person may present such claim and make such affidavit. If the person so bitten or injured is a minor such affidavit may be made by his parent or guardian. (112 v. 354.)

Sec. 5852. (**Duty of county commissioners.**) The county commissioners not later than the third regular meeting, after it is so presented, shall examine such account, and, if found in whole or in part correct and just, shall order the payment thereof in whole or in part to the patient and to the physician who rendered such treatment, in accordance with their respective claims, but a person shall not receive for one injury a sum exceeding two hundred dollars. (112 v. 354.)

Sec. 6212-1. (**Definition of terms.**) For the purpose of all sections of the General Code relating to nuisances the term place, person and nuisance are defined as follows: place shall include any building, erection, or place or any separate part or portion thereof or the ground itself; person shall include any individual, corporation, association, partnership, trustee, lessee, agent, or assignee; nuisance shall mean that which is defined and declared by statute to be such and shall also mean any place as above defined in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. Provided, however, that nothing in this act shall be construed to effect any motion picture film which has been approved by the division of film censorship nor to any newspaper, magazine, or other publication entered as second class matter by the United States post office department. (120 v. S. 138. Eff. August 18, 1943.)

Sec. 6212-2. (**Who guilty of maintaining a nuisance.**) Any person who shall use, occupy, establish or conduct a nuisance as defined in section 6212-1, or aid or abet therein, and the owner, agent, or lessee of any interest in any such nuisance together with the persons employed in or in control of any such nuisance by any such owner, agent, or lessee shall be guilty of maintaining a nuisance and shall be enjoined as hereinafter provided. (107 v. 514.)

Sec. 6212-3. (**Who may bring action to abate nuisance; bond in certain cases.**) Whenever a nuisance exists the attorney general of

the state, the prosecuting attorney of the county, or any person who is a citizen of the county may bring an action in equity in the name of the state of Ohio, upon the relation of such attorney general, prosecuting attorney, or person, to abate such nuisance and to perpetually enjoin the person or persons maintaining the same from further maintenance thereof. If such action is instituted by a person other than the prosecuting attorney, or attorney general, the complainant shall execute a bond to the person against whom complaint is made, with good and sufficient surety to be approved by the court or clerk thereof, in the sum of not less than five hundred dollars, to secure to the party enjoined the damages he may sustain if such action is wrongfully brought, not prosecuted to final judgment, or is dismissed, or is not maintained, or if it be finally decided that the injunction ought not to have been granted. The party thereby aggrieved by the issuance of such injunction shall have recourse against said bond for all damages suffered, including damage to his property, person or character and including reasonable attorney's fees incurred by him in making defense to said action. (107 v. 514.)

Sec. 6212-4. **(Court in which action shall be brought; filing of petition; temporary injunction; restraining order; service of copy of complaint and notice of hearing; order of court; final decision.)** Such action shall be brought in the common pleas court of the county in which the property is located. At the commencement of the action a verified petition alleging the facts constituting the nuisance shall be filed in the office of the clerk of the court. After the filing of the petition, application for a temporary injunction may be made to the court or a judge thereof who shall grant a hearing thereon within ten days thereafter. Where such application for a temporary injunction has been made, the court or judge thereof may, on application of the complainant, issue an ex parte restraining order restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is alleged to exist until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon. The restraining order may be served by handing to and leaving a copy of said order with any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance.

Any violation of such restraining order shall be a contempt of court, and where such order is so posted mutilation or removal thereof, while the same remains in force, shall be a contempt of court, provided such posted order contains thereon or therein a notice to that effect. A copy of the complaint together with a notice of the time and place of the hearing of the application for a temporary injunction shall be served upon the defendant at least five days before such hearing. If the hearing be then continued at the instance of any defendant, the temporary writ as prayed shall be granted as a matter of course. If upon hearing the allegations of the petition be sustained to the satisfaction of the court or judge, the court or judge shall issue a temporary injunction without additional bond restraining the defendant and any other person or persons from continuing the nuisance. If at the time of granting a temporary injunction, it shall further appear that the person owning, in control, or in charge of the nuisance so enjoined had received five days' notice of the hearing and unless such person shall show to the satisfaction of the court or judge that the nuisance complained of has been abated, or that such person proceeded forthwith to enforce his rights under the provisions of section 12 (*) of this act, the court or judge shall forthwith issue an order closing the place against its use for any purpose of lewdness, assignation or prostitution until final decision shall be rendered on the application for a permanent injunction. Such order shall also continue in effect for such further period the restraining order above provided if already issued, or, if not so issued, shall include such an order restraining for such period the removal or interference with the personal property and contents located thereat or therein as hereinbefore provided, and such restraining order shall be served and the inventory of such property shall be made and filed as hereinbefore provided; provided, however, that the owner or owners of any real or personal property so closed or restrained or to be closed or restrained may appear at any time between the filing of the petition and the hearing on the application for a permanent injunction and, upon payment of all costs incurred and upon the filing of a bond by the owner of the real property with sureties to be approved by the clerk in the full value of the property to be ascertained by the court, or, in vacation, by the judge, conditioned that such owner or owners will immediately abate the nuisance and prevent the same from being established or kept until the decision of the court or judge shall have been rendered on the application for a permanent injunction, then and in that case, the court, or judge in vacation, if satisfied of the

(*) Section 12 is G. C. section 6212-12.

good faith of the owner of the real property and of innocence on the part of any owner of the personal property of any knowledge of the use of such personal property as a nuisance and that, with reasonable care and diligence, such owner could not have known thereof, shall deliver such real or personal property or both to the respective owners thereof, and discharge or refrain from issuing at the time of the hearing on the application for the temporary injunction, as the case may be, any order or orders closing such real property or restraining the removal or interference with such personal property. The release of any real or personal property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subjected by law. (107 v. 514.)

Sec. 6212-5. **(Such actions shall have precedence over other cases; admissible evidence; dismissal; costs.)** The action when brought shall be noticed for trial at the first term of the court and shall have precedence over all other cases except crimes, election contests, or injunctions. In such action evidence of the general reputation of the place or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, or assignation at any such place shall be admissible for the purpose of proving the existence of said nuisance and shall be prima facie evidence of such nuisance and of knowledge of and of acquiescence and participation therein on the part of the person or persons charged with maintaining said nuisance as herein defined. If the complaint is filed by a person who is a citizen of the county it shall not be dismissed except upon a sworn statement by the complainant and his or its attorney, setting forth the reasons why the action should be dismissed and the dismissal approval by the prosecuting attorney in writing or in open court. If the court or judge is of the opinion that the action ought not to be dismissed, he may direct the prosecuting attorney to prosecute said action to judgment at the expense of the county, and if the action is continued more than one term of court, any person who is a citizen of the county, or has an office therein, or the attorney general or the prosecuting attorney, may be substituted for the complainant and prosecute said action to judgment. If the action is brought by a person who is a citizen of the county and the court finds that there were no reasonable grounds or cause for said action, the costs may be taxed to such person. If the existence of the nuisance be established upon the trial, a judgment shall be entered which shall perpetually enjoin the defendants and any other person or persons from further maintaining the nuisance at

the place complained of and the defendants from maintaining such nuisance elsewhere. (107 v. 516.)

Sec. 6212-6. (**What judgment and order shall include.**) If the existence of the nuisance be admitted or established in an action as provided in this act, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance, and not already released under authority of the court as provided in section 4, (*) and shall direct the sale of such thereof as belong to the defendants notified or appearing, in the manner provided for the sale of chattels under execution. Such order shall also require the renewal for one year of any bond furnished by the owner of the real property as provided in section 4, (*) or, if not so furnished, shall continue for one year any closing order issued at the time of granting the temporary injunction, or, if no such closing order was then issued, shall include an order directing the effectual closing of the place against its use for any purpose, and so keeping it closed for a period of one year unless sooner released; provided, however, that the owner of any place so closed and not released under bond as hereinbefore provided may now appear and obtain such release in the manner and upon fulfilling the requirements as hereinbefore provided. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law. Owners of unsold personal property and contents so seized must appear and claim same within ten days after such order of abatement is made and prove innocence, to the satisfaction of the court, of any knowledge of said use thereof and that with reasonable care and diligence they could not have known thereof. Every defendant in the action shall be presumed to have had knowledge of the general reputation of the place. If such innocence be so established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as hereinbefore provided. For removing and selling the personal property and contents, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the place and keeping it closed, a reasonable sum shall be allowed by the court. (107 v. 517.)

(*) Section 4 is G. C. section 6212-4.

Sec. 6212-7. (**Duties of prosecuting attorney.**) In case the existence of such nuisance is established in a criminal proceeding, it

shall be the duty of the prosecuting attorney to proceed promptly under this act to enforce the provisions and penalties thereof, and the finding of the defendant guilty in such criminal proceedings, unless reversed or set aside, shall be conclusive as against such defendant as to the existence of the nuisance. All moneys collected under this act shall be paid to the county treasurer. The proceeds of the sale of the personal property, as provided in the preceding section, shall be applied in payment of the costs of the action and abatement including the complainant's costs or so much of such proceeds as may be necessary, except as hereinafter provided. (107 v. 517.)

Sec. 6212-8. (**Court shall punish offender for violation of injunction or order.**) In case of the violation of any injunction or closing order granted under provisions of this act, or of a restraining order or the commission of any contempt of court in proceedings under this act, the court or, in vacation, a judge thereof, may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this act shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment. ((107 v. 518.)

Sec. 6212-9. (**Tax when permanent injunction issues; payment.**) Whenever a permanent injunction issues against any person or persons for maintaining a nuisance as herein defined, there shall be imposed upon said nuisance and against the person or persons maintaining the same a tax of three hundred dollars; provided, however, that such tax may not be imposed upon the personal property or against the owner or owners thereof who have proven innocence as hereinbefore provided, or upon the real property or against the owner or owners thereof who shall show to the satisfaction of the court or judge thereof at the time of the granting of the permanent injunction, that he or they have in good faith permanently abated the nuisance complained of. The imposition of said tax shall be made by the court as a part of the proceeding and the clerk of said court shall make and certify a return of the imposition of said tax thereon to the county auditor, who shall enter the same as a tax upon the property and against the persons upon which or whom the lien was imposed as and when other taxes are entered, and the same shall be and remain a perpetual lien upon all property, both personal and real, used for the purpose of maintaining said nuisance except as herein excepted until fully paid: provided that any such lien imposed while

the tax books are in the hands of the auditor shall be immediately entered therein. The payment of said tax shall not relieve the persons or property from any other taxes provided by law. The provisions of the laws relating to the collection of taxes in this state, the delinquency thereof, and sale of property for taxes shall govern in the collection of the tax herein prescribed in so far as the same are applicable, and the said tax collected shall be applied in payment of any deficiency in the costs of the action and abatement on behalf of the state to the extent of such deficiency after the application thereto of the proceeds of the sale of personal property as hereinbefore provided, and the remainder of said tax together with the unexpended portion of the proceeds of the sale of personal property shall be distributed in the same manner as fines collected for the keeping of houses of ill fame. (107 v. 518.)

Sec. 6212-10. **(When tax shall be imposed against the person served and property.)** When such nuisance has been found to exist under any proceeding as in this act provided, and the owner or agent of such place whereon the same has been found to exist was not a party to such proceeding, nor appeared therein, the said tax of three hundred dollars shall, nevertheless, be imposed against the persons served or appearing and against the property as in this act set forth. But before such tax shall be enforced against such property, the owner or agent thereof shall have appeared therein or shall be served with summons therein, and the provisions of existing laws regarding the service of process shall apply to service in proceedings under this act. The person in whose name the real estate affected by the action stands on the books of the county auditor for purposes of taxation shall be presumed to be the owner thereof, and in case of unknown persons having or claiming any ownership, right, title, or interest in property affected by the action, such may be made parties to the action by designating them in the petition as "all other persons unknown claiming any ownership, right, title, or interest in the property affected by the action" and service thereon may be had by publication in the manner prescribed by law. Any person having or claiming such ownership, right, title, or interest, and any owner or agent in behalf of himself and such owner may make defense thereto and have trial of his rights in the premises by the court; and if said cause has already proceeded to trial or to findings and judgment, the court shall by order fix the time and place of such further trial and shall modify, add to, or confirm such findings and judgment as the case may require. Other parties to said action shall not be affected thereby. (107 v. 519.)

Sec. 6212-11. (**Any provision held unconstitutional shall not affect others.**) Should any provision or item of this act be held unconstitutional, such fact shall not be held to invalidate the other provisions and items thereof. (107 v. 519.)

Sec. 6212-12. (**Lease void when tenant uses building for lewd purposes.**) If a tenant or occupant of a building or tenement, under a lawful title uses such place for the purposes of lewdness, assignation, or prostitution such use shall annul and make void the lease or other title under which he holds at the option of the owner and, without any act of the owner, shall cause the right of possession to revert and vest in him, and he may without process of law make immediate entry upon the premises. (107 v. 519.)

Sec. 6259. (**Licenses.**) The commissioner of health may grant licenses to maintain maternity hospitals or homes, lying-in hospitals, or places where women are received and cared for during parturition. An application therefor shall first be approved by the board of health of the city, village or township in which such maternity hospital or home, lying-in hospital, or place where women are received and cared for during parturition is to be maintained. A record of the license so issued shall be kept by the state department of health, which shall forthwith give notice to the board of health of the city, village or township, in which the licensee resides, of the granting of such license and of the terms thereof. (108 v. Pt. 1, 47.)

Sec. 6260. (**Term and content of license.**) Such license shall be granted for a term not exceeding one year and shall state the name of the licensee, the particular premises in which the business may be carried on, the number of women and infants that may be boarded, treated or maintained there at any one time, and, if required by the board of health of the city, village or township in which such maternity boarding house or lying-in hospital is located, it shall be posted in a conspicuous place on the licensed premises. (99 v. 13.)

Sec. 6261. (**Limitation of women and children.**) No greater number of women and infants shall be kept at one time on such premises than is authorized by the license and no woman or infants shall be kept in a building or place not designated in the license. (99 v. 13.)

Sec. 6262. (**Inspection.**) The commissioner of health and the boards of health of cities, villages or townships shall annually, and may, at any time, visit and inspect, or designate a person to visit and inspect the system, condition and management of the institutions and premises so licensed. (108 v. Pt. 1, 47.)

Sec. 6263. **(Revocation of license.)** The state board of health may revoke such license when a provision of this chapter is violated, or when, in the opinion of such board, such maternity boarding house or lying-in hospital is maintained without regard to the health, comfort or morality of the inmates thereof, or without due regard to sanitation and hygiene. (99 v. 14.)

Sec. 6264. **(Record of revocation.)** Such board shall note such revocation upon the face of the record thereof and give written notice of the revocation to the licensee by delivering the notice to him in person or leaving it on the licensed premises, and shall forthwith notify the board of health of such city, village, or township in which the maternity boarding house or lying-in hospital is situated. (99 v. 14.)

Sec. 6265. **(Reporting births.)** A birth which takes place in a maternity boarding house or lying-in hospital shall be attended by a legally qualified physician who shall forthwith report it to the board of health of the city, village or township in which the maternity boarding house or lying-in hospital is located. (99 v. 14.)

Sec. 6266. **(Adopting children.)** A person holding such license shall keep a record, in a form to be prescribed by the state board of health, wherein he shall enter the name and address of the physician who attended at the birth taking place in such house or hospital of any infant who may be sick, the name, age and sex of children born on the premises or brought thereto, and age of a child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child. (99 v. 14.)

Sec. 6267. **(Copy of record.)** Within twenty-four hours after such child is given out or taken away, the person licensed as aforesaid shall cause a correct copy of the record relating thereto to be sent to the board of health of the city, village or township wherein such house or hospital is located. (99 v. 14.)

Sec. 6268. **(Notice to board of health.)** A person licensed as aforesaid, immediately after the death of an inmate of such boarding house or lying-in hospital, whether a woman or an infant born therein or brought thereto, shall cause notice thereof to be given to the board of health of the city, village or township in which such house or hospital is located. (99 v. 14.)

Sec. 6269. **(Coroner's inquest.)** Such board of health shall forthwith call the coroner of the county in which said person died to hold an inquest on the body of the person, unless a certificate

under the hand of a legally qualified physician is exhibited to said board by the licensee that such physician had personally attended and examined the person so dying, and specifying the cause of death, and the board of health is satisfied that there is no ground for holding an inquest. (99 v. 14.)

Sec. 6270. (**Book of forms.**) A license, shall be entitled to receive gratuitously from the state board of health a book of forms for the registration and record of persons received into such home or hospital. Such book shall contain a printed copy of this chapter. (99 v. 15.)

Sec. 6271. (**Inspection.**) The officers and authorized agents of the state board of health and the boards of health of the cities, villages or townships in which such licensed premises are located may inspect such house or hospital at any time and examine every part thereof, call for and examine the records which are required to be kept by the provisions of this chapter, and inquire into all matters concerning such house or hospital and the inmates thereof. The licensee shall give all reasonable information to such persons so inspecting and afford them every reasonable facility for viewing and inspecting the premises and seeing the inmates thereof. And when complaint is made or a reasonable belief exists that a maternity boarding house or lying-in hospital is being conducted without license, the board of health may cause such house to be inspected by its health officer or the state board of health may designate a person to visit and inspect such premises. (101 v. 122.)

Secs. 6272 and 6273. Repealed. (110 v. 265.)

Sec. 6274. (**Secrecy of records.**) No officer or authorized agent of the state board of health or the boards of health of the cities, villages or townships where such licensed homes or hospitals are located, or a keeper of such house or hospital, shall divulge or disclose the contents of the records or of the particulars entered therein, except upon inquiry before a court of law, at a coroner's inquest or before some other competent tribunal, or for the information of the state board of health or the board of health of the city, village or township in which said house or hospital is located. (99 v. 15.)

Sec. 6275. Repealed. (110 v. 265.)

Sec. 6276. (**License.**) A person shall not maintain a maternity boarding house or lying-in hospital, as defined in this chapter, unless licensed thereto by the state board of health. (99 v. 16.)

Sec. 6277. (**Relationship.**) In a prosecution under the provisions

of this chapter or a penal law relating thereto, a defendant who relies for defense upon the relationship of any of said women or infants to himself, shall have the burden of proof thereof. (99 v. 16.)

Sec. 6289-1. (**"Rest home", "convalescent home" or "boarding home" defined.**) A rest home or convalescent home or boarding home for the aged or mentally or physically infirm is defined as any place of abode, building, institution, residence or home used for the reception and care, for a consideration, of three or more persons who, by reason of age or mental or physical infirmities are not capable of properly caring for themselves, or who are sixty-five years of age or upwards.

Wherever, in this act, the word "home" is used, it shall be construed to mean rest home or convalescent home or boarding home for the aged or mentally or physically infirm as herein defined. (119 v. 384.)

Sec. 6289-2. (**Annual license required.**) On and after January 1, 1942, it shall be unlawful for any person, persons, firm, partnership, association or corporation to open, conduct, manage or maintain any home as defined in this act unless such home be licensed annually as hereinafter provided. (119 v. 384.)

Sec. 6289-3. (**Application for license or renewal; fee.**) Application for a license or for renewal of a license to operate a home shall be made to the department of public welfare of Ohio, in accordance with such rules and regulations as may be prescribed by the director of public welfare, and shall be accompanied by a fee of \$5.00, which fee shall be paid into the general revenue fund of this state. (119 v. 385.)

Sec. 6289-4. (**Inspection of home; report to department of public welfare; building requirements, etc.; character and financial responsibility of applicants.**) The department of industrial relations of the state of Ohio, the department of health and the division of state fire marshal, shall, upon the request of the department of public welfare of the state of Ohio, make such inspection of such home as may be deemed necessary and shall report in writing to the department of public welfare whether the building or buildings used or intended to be used for such home are substantially safe for the purpose intended, and in compliance with the building code of the state, and such other findings and recommendations as may be requested by the department of public welfare or deemed necessary by the department making such reports

No license shall be granted unless the director of public welfare

shall be satisfied that such home is satisfactory in construction, fire prevention and protection, heating, water supply and sanitation, and that it is adequately equipped and maintains a personnel sufficient in number and training to care properly for inmates of such home.

The department of public welfare shall have further authority to investigate the character and financial responsibility of applicants for license, and may prescribe standards of character and financial responsibility as a condition precedent to the granting of licenses. (119 v. 385.)

Sec. 6289-5. (**License issued when application approved; term; application for renewal.**) If the application for license shall be approved by the department of public welfare in accordance with its rules and regulations, it shall issue a license for such home to be operated for a period of one year from the date of issuance of such license. Applications for renewal of licenses granted under this act shall be made and acted upon in such manner and at such time as the department of public welfare may, by rule and regulation, prescribe. (119 v. 385.)

Sec. 6289-6. (**Records and reports.**) Every home licensed under this act shall keep such records and make such reports as the department of public welfare shall prescribe and all records kept shall be open to inspection by duly authorized representatives of the department of public welfare. (119 v. 385.)

Sec. 6289-7. (**Homes to be open for inspection; license revoked or suspended, when; appeal.**) Every home conducted, maintained or managed by any person or persons, firm, partnership, association or corporation licensed as provided in this act or for which an application for such license has been filed, shall be open at all times to inspection by the department of public welfare and other departments, agencies and officers of the government of the state which may be called upon by the department of public welfare for such inspection or authorized by law to make such inspections.

Any licensed home which is conducted, maintained or managed in violation of any of the provisions of this act or of any laws of the state of Ohio or the municipality in which such home is situated, or of the rules and regulations of the department of public welfare made under the authority of this act, may have such license suspended or revoked, as determined by the department of public welfare.

Any person, persons, firm, partnership, association or corporation aggrieved by any action refusing an application for license or renewal thereof, or suspending or revoking a license, or otherwise, may appeal

in accordance with the provisions of the administrative procedure act. (120 v. S. 36. Eff. September 3, 1943.)

Sec. 6289-8. (**Certificate; display.**) When a license is issued under this act, the director of the department of public welfare shall sign and furnish to the applicant a certificate showing that such license has been duly granted and for what period of time. Such certificate must be prominently displayed in the hall or near the main entrance inside such home. (119 v. 386.)

Sec. 6289-9. (**Power of director of public welfare.**) The director of the department of public welfare shall have the power to make and enforce all such reasonable rules and regulations, not inconsistent with this act, as he may deem necessary or desirable to carry out the provisions of this act. The director of the department of public welfare may, by order, designate any one of the several divisions, bureaus or agencies of such department to carry out the provisions of this act; and when so designated, such division, bureau or other agency shall have all the powers, duties and responsibilities herein conferred upon the department of public welfare and the executive head of such division, bureau or other agency shall have all the powers, duties and responsibilities herein conferred upon the director of the department of public welfare. (119 v. 386.)

Sec. 6289-10. (**Operation without license; penalty.**) Any person, persons, firm, partnership, association or corporation opening, conducting, managing or maintaining a home for the aged or mentally or physically infirm as herein defined, without first obtaining and having a license therefor as provided in this act, or in violation of any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$25.00 for each offense, and a separate and distinct offense shall be considered as having been committed for each and every day on which any such violation shall occur. (119 v. 387.)

Sec. 6289-11. (**Validity.**) The several sections and provisions of this act are declared to be separate and independent sections and provisions and the holding of any section or part thereof to be unconstitutional or void shall not affect the validity of the remainder of this act. (119 v. 387.)

Sec. 6308-7. (**Definitions.**) "Motor vehicle injury" means any personal injury suffered by a human being and caused by the operation of a motor vehicle, on a public way, street or highway of the state of Ohio, whether the injured person be the operator of such motor vehicle, a passenger in the same or in another vehicle, a

pedestrian, or whatever be the relation of such injured person to the operation of such vehicle; and whether or not such motor vehicle is under the control of a human being at the time of such injury.

"Hospital" means any institution, not organized and/or operated for profit, and registered with the state of Ohio, department of health, which receives and cares for patients suffering from motor vehicle injuries, the per diem cost of which care shall be ascertained and certified in the manner provided in this act.

"Per diem cost" means the per diem cost of caring for a patient in a hospital as determined by the uniform annual report submitted to the state of Ohio, department of health. The rate certified shall not exceed the sum of six dollars per day. If no annual report has been filed with the state department of health as required by section 1236-6 of the General Code no rate shall be certified.

"Indigent patient" means a person who has suffered a motor vehicle injury, is received and cared for in a hospital, is unable to pay for the cost of such care and whose account therefor remains unpaid at the expiration of ninety days after the termination of such care; it excludes an employee suffering from a motor vehicle injury with respect to which he is entitled to the benefits of the workmen's compensation act of this or any other state or country. A person injured by the operation of a motor vehicle shall be deemed unable to pay such charges if it shall appear that, should an action be brought and judgment secured for the amount thereof against him or against any other person legally responsible for his care, execution thereon would be unavailing. (116 v. 18.)

Sec. 6308-8. **(Director of health shall certify name, address and per diem cost of hospitals in state.)** Within thirty days after this act shall take effect the director of health shall certify in duplicate to the registrar of motor vehicles and the auditor of state, respectively, the name, address and per diem cost of all hospitals in the state as determined by uniform annual report. Thereafter from time to time said director of health shall in like manner certify any additions to or subtractions from said list or any changes in such per diem costs which may occur. All claims made under this act shall be audited and paid in accordance with the per diem costs so certified and in effect at the time the charge shall have been incurred. (116 v. 18.)

Sec. 6330-1. **(General duties of employers.)** Every employer shall, without cost to the employes, provide such reasonably effective devices, means and methods as shall be prescribed by the industrial commission of Ohio, to prevent the contraction by his employes

of illness or disease incident to the work or process in which such employes are engaged. (109 v. 181.)

Sec. 6330-2. **(Especially dangerous works or processes.)** Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluosilicate, is hereby declared to be especially dangerous to the health of the employes, who, while engaged in such work or process, are exposed to lead dusts, lead fumes or lead solutions. (103 v. 819.)

Sec. 6330-3. **(Duties of employers to provide safety appliances for the protection of employes in especially dangerous works or processes.)** Every employer shall, without cost to the employes, provide the following devices, means and methods for the protection of his employes who while engaged in any work or process included in section 2, (*) are exposed to lead dusts, lead fumes or lead solutions:

(a) **(Working rooms.)** Working rooms, hoods and air exhausts for the protection of employes engaged in any work or process which produces lead dusts or lead fumes. The employer shall provide and maintain work rooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully ventilated and separated by partition walls from all departments in which the work or process is of a non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in section 2, (*) including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in section 2, (*) shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employe, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in section 2 (*) is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in section 2, (*) is being conveyed from one place to another within the factory shall be equipped, at the place where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry-pans or other apparatus for drying

pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust-collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust-collector to be placed in a separate room which no employe shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) **(Washing facilities.)** The employer shall provide a wash room or rooms which shall be separate from the work rooms, be kept clean, and be equipped with: (1) lavatory basins fitted with waste pipes and two spigots conveying hot and cold water, or

(2) Basins placed in troughs [troughs] fitted with waste pipes and for each basin two spigots conveying hot and cold water, or

(3) **(Basins.)** Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five employes, and where troughs are provided, at least two feet of trough for every five such employes. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employe. A time allowed of not less than ten minutes, at the employer's expense, shall be made to each such employe for the use of said wash-room before the lunch hour and at the close of the day's work.

(Shower bath.) The employer shall also provide at least one shower bath for every five such employes. The baths shall be approached by wooden runways, be provided with movable wooden gratings, be supplied with controlled hot and cold water, and be kept clean. The employers shall furnish soap, and shall provide at least two clean bath towels per week for each such employe. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employe for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employe, which record shall be open to inspection at all reasonable times by the (state department of factory inspection) and also by the (state board of health).

(c) **(Dressing Rooms.)** The employer shall provide a dressing

room or rooms which shall be separate from the work rooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employe and be kept clean.

(d) **(Eating Rooms.)** The employer shall provide an eating room or eating rooms which shall be separate from the work rooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employe shall take or be allowed to take any food or drink of any kind into any work room, nor shall any employe remain or be allowed to remain in any work room during the time allowed for his meals.

(e) **(Drinking Fountains.)** The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employes.

(f) **(Clothing.)** The employer shall provide at least two pairs of overalls and two jumpers for each employe, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employe.

(g) **(Respirators.)** The employer shall provide, and renew when necessary, at least two reasonably effective respirators for each employe who is engaged in any work or process which produces lead dusts. (103 v. 819.)

(*) Section 2 is G. C. section 6330-2.

Sec. 6330-4. **(Duties of employes in especially dangerous works or processes to use the safety appliances provided by the employers.)** Every employe who, while engaged in any work or process included in section 2, (*) is exposed to lead dusts, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with section 3 (b), (**) and wash himself at least as often as a time allowance is therein granted for such use.

(b) Use the eating room provided by the employer in accord with section 3 (d), (**) unless the employe goes off the premises for his meals.

(c) Put on, and wear at all times while engaged in accord with section 3 (f) (**) and remove the same before leaving at the close of the day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with section 3 (c) (**).

(d) Keep clean the respirators provided by the employer in accord with section 3 (g), (**) and use one at all times while he is

engaged in any work or process which produces lead dusts. (103 v. 822.)

(*) Section 2 is G. C. section 6330-2.

(**) Section 3 is G. C. section 6330-3.

Sec. 6330-5. (**Notices, printing, posting and explaining same.**)

The employer shall post in a conspicuous place in every work room where any work or process included in section 2 (*) is carried on, room where washing facilities are provided, dressing rooms and eating room. A notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief state factory inspector) shall prepare a notice containing the provision of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section 2, (*) and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employe by the employer when the said employe enters employment in such work or process, and in addition shall be read to all employes at least once a month, interpreters being provided by the employer when necessary to carry out the above requirements. (103 v. 822.)

(*) Section 2 is G. C. section 6330-2.

Sec. 6330-6. (**Medical examination of employes.**) The employer shall cause every employe who, while engaged in any work or process included in section 2, (*) is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employe. The employe shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employe so examined. (103 v. 822.)

(*) Section 2 is G. C. section 6330-2.

Sec. 6330-7. (Record and reports of medical examination.)

Every physician making any examination under section 6 (*) and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the names and address of the employe so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (state department of factory inspection) and by the (state board of health).

(What reports shall state.) Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (state department of factory inspection) and one to the (state board of health). The report shall be open or in conformity with blanks to be prepared and furnished by the (state board of health), free of cost, to every employer included in section 2, (**) and shall state:

- (a) Name, occupation and address of employe.
- (b) Name, business and address of employer.
- (c) Nature and probable extent [of] disease.
- (d) Such other information as may be reasonably required by the (state board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employe in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employe to such work or process without a written permit from a licensed physician. (103 v. 823.)

(*) Section 6 is G. C. section 6330-6.

(**) Section 2 is G. C. section 6330-2.

Sec. 6330-8. (Enforcement.) The (state department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act. (103 v. 823.)

Sec. 6330-9. (Penalties for violations by employer or employe.) Every employer, who either personally or through any agent violates or fails to comply with any provision of section 1 (*) or section 3 (**) shall be guilty of a misdemeanor, and on conviction for the

first offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and on conviction for the second offense, not less than two hundred dollars nor more than five hundred dollars, and on conviction for each subsequent offense, not less than three hundred dollars nor more than one thousand dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employe who violates or fails to comply with any provision of section 4, (***) shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than ten dollars nor more than twenty-five dollars, and on conviction for the second offense, not less than twenty dollars nor more than fifty dollars, and on conviction for each subsequent offense not less than thirty dollars nor more than one hundred dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of sections 5, 6, or 7, (#) relating to him, and every employe who violates or fails to comply with the provision of section 6 relating to him shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars. (103 v. 823.)

(*) Section 1 is G. C. section 6330-1.

(**) Section 3 is G. C. section 6330-3.

(***) Section 4 is G. C. section 6330-4.

(#) Sections 5, 6, and 7, are G. C. sections 6330-5, 6330-6 and 6330-7.

Sec. 6330-10. (**"Employer" defined.**) In this act, unless the context otherwise requires, "employer" includes persons, partnerships and corporations. (103 v. 824.)

Sec. 6330-11. (**Each section independent.**) For the purpose of determining the constitutionality of any provision of this act, section I, (*) hereof is declared to be independent of and separable from the remaining sections. (103 v. 824.)

(*) Section 1 is G. C. section 6330-1.

Sec. 6330-12. (**Time of taking effect.**) This act shall take effect on the first day of October, 1913, except as to subdivisions (a), (b), (c) and (d) of section 3 (*) which subdivision shall take effect as follows:

Subdivision (b), (c) and (d) of section 3 (*) on the first day of October, 1914.

Subdivision (a) of section 3 (*) on the first day of October, 1915.
(103 v. 824.)

(*) Section 3 is G. C. section 6330-3.

Sec. 6602-8d. **(State department of health may order improvement; complaint; finding; duty of commissioners.)** Whenever the council or board of health, or the officer or officers performing the duties of a council or board of health of a city or village, the board of health of a general health district, the trustees of a township shall make complaint, in writing, to the state department of health that unsanitary conditions exist in any county or counties, the director of health shall forthwith inquire into and investigate the conditions complained of and if upon investigation of such complaint the state department of health shall find that it is necessary for the public health and welfare, that sewer improvements or sewage treatment or disposal works shall be constructed, maintained and operated for the service of any territory outside of municipalities in any county or counties, said department of health shall notify the board or boards of county commissioners of such county or counties of their finding and shall proceed as provided in sections 1250 and 1251 of the General Code, and the commissioners shall obey such order and proceed, as provided in sections 6602-1 to 6602-14, inclusive, of the General Code, to establish such district or districts, provide necessary funds, and construct such sewers or treatment works, or maintain, repair or operate the same, as may be required by such order and in such manner as may be satisfactory to the state department of health. Any or all of the cost of such improvement or maintenance may be assessed upon the property benefited as provided in sections 6602-1 to 6602-14, inclusive, of the General Code. (112 v. 290.)

Sec. 6602-8e. **(Appeal when order not acceptable.)** If any order, made by the director of health in such manner and approved by the public health council, shall not be acceptable to such board or boards of county commissioners, such board or boards shall have the right of appeal and reference provided for in sections 1257, 1258-2 and 1258-3 of the General Code and the procedure in such cases shall be as provided in sections 1257, 1258 and 1258-2 to 1258-6, inclusive, of the General Code. Provided, that on petition, in writing, of ten or more owners of real estate affected by such order of the director of health the board or boards of county commissioners shall make such appeal as is provided in this section. (112 v. 290.)

Sec. 6602-8f. **(Procedure when order not complied with.)** If

the members of the board of county commissioners fail or refuse, after a period of thirty days, after the notice and order given them by the state department of health, to perform any act or acts required of them by this act and by any such order and notice of the state department of health, such order of the state department of health may be enforced by a writ of mandamus issued by any court authorized to issue such writs. (112 v. 290.)

Sec. 6602-8g. **(Prosecution.)** An action may be commenced and prosecuted for the recovery of any fine, forfeiture or penalty, mentioned in this act, from any person or persons liable therefor, by the prosecuting attorney of the proper county in the name of the state, in the court of common pleas of such county, or such action may be commenced and prosecuted by the attorney general of the state in such county or in the county of Franklin, as provided by law. (107 v. 447.)

Sec. 6602-28. **(State department of health may order water supplies installed; complaints; findings; duty of commissioners.)** Whenever the council or board of health, or the officer or officers performing the duties of a council or board of health of a city or village, the board of health of a general health district, the trustees of a township shall make complaint, in writing, to the state department of health that unsafe water supply conditions exist in any county or counties, the director of health shall forthwith inquire into and investigate the conditions complained of and if upon investigation of such complaint the state department of health shall find that it is necessary for the public health and welfare, that any improvement mentioned in section 6602-17 of the General Code, shall be constructed, maintained and operated for the service of any territory outside of municipalities in any county or counties, said department of health shall notify the board or boards of county commissioners of such county or counties of their finding and shall proceed as provided in sections 1250 and 1251 of the General Code, and the commissioners shall obey such order and proceed, as provided in section 6602-1 and sections 6602-17 to 6602-33 of the General Code, inclusive, to establish such district or districts, provide necessary funds, and construct such public water supplies, or maintain, repair or operate the same, as may be required by such order and in such manner as may be satisfactory to the state department of health. Any or all of the costs of such improvement or maintenance may be assessed upon the property benefited as provided in said sections. (112 v. 302.)

Sec. 6602-29. **(Appeal where order not acceptable.)** If any

order made by the director of health in such manner and approved by the public health council, shall not be acceptable to such board or boards of county commissioners such board or boards shall have the right of appeal and reference provided for in sections 1257, 1258-2 and 1258-3, of the General Code and the procedure in such cases shall be as provided in sections 1257, 1258 and 1258-2 to 1258-6, inclusive, of the General Code. Provided, that on petition, in writing, of ten or more owners of real estate affected by such order of the director of health the board or boards of county commissioners shall make such appeal as is provided for in this section. (112 v. 302.)

Sec. 6602-30. (**Procedure where order not complied with.**) If the members of the board of county commissioners fail or refuse, after a period of thirty days, after the notice and order given them by the state department of health, to perform any act or acts required of them by this act and by any such order and notice of the state department of health, such order of the state department of health may be enforced by a writ of mandamus issued by any court authorized to issue such writs. (112 v. 302.)

Sec. 6602-31. (**Prosecution.**) An action may be commenced and prosecuted for the recovery of any fine, forfeiture or penalty, mentioned in this act, from any person or persons liable therefor, by the prosecuting attorney of the proper county in the name of the state, in the court of common pleas of such county, or such action may be commenced and prosecuted by the attorney general of the state in such county or in the county of Franklin, as provided by law. (107 v. 439.)

Sec. 6602-35. (**Establishment of sanitary districts; purposes.**) The court of common pleas of any county in this state, is hereby vested with jurisdiction, power and authority, when the conditions stated in the third section (*) of this act are found to exist, to establish sanitary districts, within the county in which said court is located. Districts partly within and partly without such county may also be established by a court comprising one common pleas judge from each county having area within the district, as hereinafter provided.

In the event there are but two common pleas judges, who sit as court under the provisions of section 2 (**), and the said judges find themselves unable to agree as to the establishment of such sanitary district, or upon any other question left for their decision, then, and in such event a third common pleas judge from a disinterested county shall be appointed by the chief justice of the supreme court of the state of Ohio, which said judge shall sit with the other two judges,

and the decisions of a majority of said judges shall be final. Compensation for said judge shall be fixed by the appointing judge. Such sanitary districts may be established for all or any of these purposes:

- (a) To prevent and correct the pollution of streams;
- (b) To clean and improve stream channels for sanitary purposes;
- (c) To regulate the flow of streams for sanitary purposes;
- (d) To provide for the collection and disposal of sewage and other liquid wastes produced within the district;
- (e) To provide a water supply for domestic, municipal and public use within the district, and incident to such purposes and to enable their accomplishment, to construct reservoirs, trunk sewers, intercepting sewers, siphons, pumping stations, wells, intakes, pipe lines, purification works, treatment and disposal works; to maintain, operate and repair the same, and do all other things necessary for the fulfillment of the purposes of this act;
- (f) To exterminate or prevent mosquitoes, flies, and other insects and abate their breeding places; and incident to such purposes to purchase supplies, materials and equipment, employ technicians and laborers, and build, construct, maintain and repair such structures, devices and improvements, and do such other things, as may be necessary or proper to accomplish said purpose. (119 v. 582.)

(*) Section 3 is G. C. section 6602-36.

(**) Section 2 is G. C. section 6602-35.

Sec. 6602-46. **(Plan for improvement; contents; use of data of former survey; plan submitted to department of health for approval; procedure upon approval.** Upon their qualification, the board shall prepare or cause to be prepared a plan for the improvement for which the district was created. Such plan shall include such maps, profiles, plans and other data and descriptions as may be necessary to set forth properly the location and character of the work, and of the property benefited or taken or damaged, with estimates of cost. In the case of a district organized wholly or partly for the purpose of the extermination or prevention of mosquitoes, flies and other insects, the plan shall be deemed sufficient if it shall include a description, in general terms, of the methods of extermination or prevention to be utilized, and it shall not be necessary to indicate in the plan the particular parcels of land in the district wherein or whereon the physical structures, devices or improvements incident to the extermination or prevention of mosquitoes, flies and other insects are to be constructed or wherein or whereon the labor incident to such extermination or prevention shall be from time to time employed.

In the preparation of the plan, the board may recognize the necessity of future extensions and enlargements which may result from enlargements of the area of the district, in order that the district improvements may be designed to meet properly such increased demands. The plan for a water supply for domestic, municipal and public use shall be prepared with recognition of an equitable apportionment of the available supply to each political subdivision within the district. In case the purposes for which the district was established include both improved sanitation and improved water supply a plan shall be prepared for each purpose.

In case the board of directors finds that any former survey made by any other district or in any other manner is useful for the purposes of the district, the board of directors may take over the data secured by such survey, or such other proceedings as may be useful to it, and may pay therefor an amount equal to the value of such data to said district.

Upon the completion of such plan the board shall submit it to the state department of health for approval. If the state department of health should reject such plan, the said board shall proceed as in the first instance under this section to prepare another plan. If the state department of health should refer back said plan for amendment, **the board shall prepare and submit to the state department of health an amended plan.** If the state department of health should approve said plan, a copy of the action of said state department of health shall be filed with the secretary of the board of directors and by him incorporated into the records of the district.

Upon the approval of such plan by the state department of health, the board shall cause notice by publication to be given as provided in section 1 (*) herein in each county of said district, of such completion of said plan, and shall permit the inspection thereof at their office by all persons interested. Said notice shall fix the time and place for the hearing of all objections to said plan not less than twenty days nor more than thirty days after the last publication of said notice. All objections to said plan shall be in writing and filed with the secretary of said board at his office not more than ten days after the last publication of said notice. After said hearing before the board of directors, the said board shall adopt the plan as the official plan of the said district. If, however, any person or persons object to said official plan, so adopted, then such person or persons may, within ten days, from the adoption of said official plan, file their objections in writing, specifying the features of the plan to which they object, in the original case establishing the district in the office of the clerk of said court, and he shall fix a day for the hearing there-

of before the court, not less than twenty days nor more than thirty days after the time fixed for filing objections, at which time the judges, sitting as a court as provided for in section 6 (**) herein, for the organization of the district, shall meet at the court house of the county where said original case is pending, and hear said objections and adopt, reject or refer back said plan to said board of directors. A majority of the judges shall control. If said court should reject said plan, then said board shall proceed as in the first instance under this section to prepare another plan. If the court should refer back said plan to said board for amendment, then the court shall continue the hearing to a day certain without publication of notice. If the said court should approve said plan as the official plan of said district, then a certified copy of said journal of said court shall be filed with the secretary of the board of directors, and by him incorporated into the records of the district. The official plan may be altered in detail from time to time until the assessment roll is filed, and of all such alterations the appraisers shall take notice. But after the assessment roll has been filed in court no alterations of the official plan shall be made except as in section 36 (***) hereof provided. (119 v. 583.)

(*) Section 1 is G. C. section 6602-34.

(**) Section 6 is G. C. section 6602-39.

(***) Section 36 is G. C. section 6602-69.

Sec. 6828-12. **(Preparation of plan for improvements; completion; objections; adoption.)** Upon their qualification, the board shall prepare or cause to be prepared a plan for the improvements for which the district was created; but no plan or portion of a plan shall be prepared providing a water supply for domestic, industrial, or public use, or providing for the collection and disposal of sewage and other liquid wastes, for any municipality, unless the governing body of such municipality has petitioned the board to provide a water supply or a system for the collection and disposal of sewage and other liquid wastes, as the case may be, or, has signed the petition initiating the proceeding by which the district acquired authority to undertake such improvements. Such plan shall include such maps, profiles, plans and other data and descriptions as may be necessary to set forth properly the location and character of the work, and of the property benefited or taken or damaged, with estimates of cost for doing the work.

In case the board of directors finds that any former survey made by any other district or in any other manner is useful for the purposes of the district, the board of directors may take over the data secured by such survey, or such other proceedings as may be useful

to it, and may pay therefor an amount equal to the value of such data to said district. No construction shall be made under the authority of this chapter which will cause the flooding of any village or city or which will cause the water to back up into any village or city, unless the board of directors shall have acquired and paid for the right to use the land affected for such purpose, and shall have paid all damages incident thereto. No railroad shall be required to be constructed with a grade in excess of the maximum ruling grade then existing upon that division of said railroad whereon said change is required.

Upon the completion of the plan the board shall file a copy thereof with the state department of health which shall have authority to approve or reject any provisions thereof relating to the supplying of water for domestic, industrial and public use or to the collection and disposal of sewage and other liquid wastes. If the state department of health rejects such provisions or refers them back for amendment, the board shall prepare other or amended provisions relating thereto. If the state department of health approves the provisions, it shall certify a copy of its action to the board of directors, who shall cause it to be filed as a record of the district.

Upon the completion of the plan and the approval by the state department of health of such provisions thereof as above prescribed, the board shall cause notice of the completion of such plan to be given by publication in accordance with section 6828-1 of the General Code, and shall permit the inspection of such plan by all persons, public corporations and agencies of the state government interested. Said notice shall fix the time and place for the hearing of all objections to said plan not less than twenty days nor more than thirty days after the last publication of said notice. All objections to said plan shall be in writing and filed with the secretary of said board at his office not more than ten days after the last publication of said notice. After said hearing before the board of directors, the said board shall adopt the plan with or without modifications as the official plan of the said district. If, however, any person, public corporation or agency of the state government objects to said official plan, so adopted, then such person, public corporation or agency of the state government may, within ten days from the adoption of said official plan, file their objections in writing, specifying the features of the plan to which they object, in the original case establishing the district in the office of the clerk of said court, and he shall fix a day for the hearing thereof before the court, not less than twenty days nor more than thirty days after the time fixed for filing objections at which time the court shall hear said objections and

approve, reject or refer back said plan to said board of directors. If said court should reject said plan, then said board shall proceed as in the first instance under this section to prepare another plan. If the court should refer back said plan to said board for amendment, then the said court shall continue the hearing to a day certain without publication of notice. If the said court should approve said plan as the official plan of said district, then a certified copy of the journal entry of said court shall be filed with the secretary of the board of directors, and by him incorporated into the records of the district. The board of directors, with the approval of the court, may alter the official plan from time to time until the appraisal record is filed, and of all such alterations the appraisers shall take notice; but if in the judgment of the court any such alteration is material in character, the procedure thereon shall be the same as on the adoption of the plan. After the appraisal record has been filed in court no alterations of the official plan shall be made except as provided in section 6828-37 of the General Code. (117 v. 179.)

Sec. 8926. (**Waiting rooms must be maintained; toilet rooms in connection therewith.**) Every person, firm or corporation operating a steam railroad wholly or in part within this state, shall provide a suitable waiting room for the use of the traveling public, at each station where a passenger train of the road is regularly scheduled to stop. Such rooms shall be so maintained and kept, as to be conducive to the comfort, and health of the patrons of the road. Where any such waiting room is located within a municipality within reasonable connecting distance of a water supply and sewerage system, there shall be provided in connection therewith suitable and separate toilet rooms and water closets for the use of male and female persons. Each such toilet room or water closet compartment shall be properly heated, lighted and ventilated and shall contain sufficient floor space and a sufficient number of water closets, urinals, lavatories and toilet accessories to properly and suitably accommodate the patrons of the road. The location, construction and installation of such toilet rooms and water closets shall be in accordance with the provisions of the state building code. (107 v. 178.)

Sec. 8927. (**Duty of railroad commission.**) Upon the written complaint of ten or more citizens of this state being filed with the state railroad commission that any provision of the next preceding section is being violated, at such station, the commission shall forthwith make investigation thereof. If upon such investigation it be found that such violation exists, it shall issue an order to the person, firm or corporation guilty thereof, setting forth the nature of the

improvement required and directing that it be completed within a time to be specified therein. (94 v. 231.)

Sec. 8928. **(Forfeiture.)** Any person, firm or corporation failing to comply with an order of such commission, or any of the provisions of the two next preceding sections, upon conviction therefor before a court of common pleas of the county in which such violation occurs, shall forfeit and pay any sum not less than one hundred dollars. Such forfeiture shall be recovered in a civil action in the name of the state, for the benefit of the county in which the failure or violation occurs, and such action shall be brought by the prosecuting attorney of the county, at the instance of such commission, as provided in other cases for the recovery of forfeitures against railroad companies. (94 v. 231.)

Sec. 9984. **(Medical colleges or embalming board may receive bodies for study, or dissection; procedure.)** Superintendents of city hospitals, directors or superintendents of city or county infirmaries, or other charitable institutions, directors or superintendents of work-houses, founded and supported in whole or in part at public expense, superintendents or managing officers of state benevolent, correctional, penal and reformatory institutions, township trustees, sheriffs, or coroners, in possession of bodies not claimed or identified, or which must be buried at the expense of the state, county or township, before burial, shall notify the professor of anatomy in a college which by its charter is empowered to teach anatomy, or the secretary of the board of embalmers and funeral directors of Ohio, of the fact that such bodies are being so held. If after a period of thirty-six hours the body has not been accepted by friends or relatives for burial at their expense, such superintendent, director, or other officer, on the written application of such professor of anatomy, or the secretary of the board of embalmers and funeral directors of Ohio, shall deliver to such professor or secretary, for the purpose of medical or surgical study or dissection or for the study of embalming, the body of any such person who died in either of such institutions, from any disease, not infectious. The expense of the delivery of the body shall be borne by the party or parties in whose keeping the corpse was placed. (120 v. H. 383. Eff. August 25, 1943.)

Sec. 9985. **(Body to be delivered to claimant.)** If the body of a deceased person so delivered, be subsequently claimed, in writing, by a relative or other person for private interment, at his own expense, it shall be given up to such claimant. (R. S. Sec. 3763.)

Sec. 9986. **(Interment of body after study or dissection.)** After such bodies have been subjected to medical or surgical examination

or dissection or for the study of embalming, the remains thereof shall be interred in some suitable place at the expense of the party or parties in whose keeping the corpse was placed. (120 v. S. 56. Eff. August 14, 1943.)

Sec. 9987. (**Notification of relatives.**) In all cases the officer having such body under his control, must notify or cause to be notified, in writing, the relatives or friends of the deceased person. (R. S. Sec. 3763.)

Sec. 9988. (**Body of strangers or travelers.**) The bodies of strangers or travelers, who die in any of the institutions above named, shall not be delivered for the purpose of dissection unless the stranger or traveler belongs to that class commonly known as tramps. Bodies delivered as herein provided shall be used for medical, surgical and anatomical study only, and within this state. (R. S. Sec. 3763.)

Sec. 9989. (**Liability for having unlawful possession of body.**) A person, association, or company, having unlawful possession of the body of a deceased person shall be jointly and severally liable with any other persons, associations, and companies that had or have had unlawful possession of such corpse, in any sum not less than five hundred nor more than five thousand dollars, to be recovered at the suit of the personal representative of the deceased in any court of competent jurisdiction, for the benefit of the next of kin of deceased. (R. S. Sec. 3764.)

Sec. 10512-9. (**"Adoption code"; definitions.**) This act shall be known and may be cited as the "adoption code".

As used in this "adoption code", unless otherwise indicated:

(a) The term "child" shall mean any person under twenty-one years of age.

(b) The term "organization" shall mean any institution, public or private, and any private association, society, agency, person or persons located or operating in the state of Ohio, incorporated or unincorporated having among its functions the furnishing of protective services or care for, or the placement of children in foster homes or elsewhere; and the term "certified organization" shall mean any such organization holding a certificate in full force and effect, issued pursuant to section 1352-1 of the General Code, authorizing such organization to place children for adoption.

(c) The term "permanent custody" shall mean custody which by the terms of the commitment or agreement, shall not terminate on or before a definite date prior to the majority of the child, or

which is not subject to termination at any time by the committing court, or by the parent, division, county department or certified organization transferring such custody.

(d) The term "division" shall mean the division of social administration of the department of public welfare of the state of Ohio and any unit or bureau thereof.

(e) The term "county department" shall mean a county welfare department.

(f) The singular number shall include the plural, and the masculine gender shall include the feminine. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-10. **(Who may petition for leave to adopt a child.)** A husband and wife jointly or a step-parent married to one of the natural or legal parents of the child sought to be adopted, or any other proper person, may petition the probate court of the county in which the petitioner resides or of the county in which the child was born or has a legal settlement or residence or has become a public charge, for leave to adopt a child and for a change of the name of such child. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-11. **(Petition for adoption.)** The petition for adoption shall be verified by each petitioner. It shall contain:

(a) The name, date and place of birth, and place of residence of each petitioner;

(b) The name, date and place of birth, and place of residence of the child sought to be adopted;

(c) The relationship, if any, of the child to the petitioner;

(d) The full name by which the child shall be known after adoption;

(e) A full description of the property, if any, of the child;

(f) The names of the parents of the child, and the address of each living parent; provided that if the child is in the permanent custody of the division, a county department or a certified organization, the names and addresses of parents may be omitted;

(g) The name and address of the legal guardian of the child if any has been appointed;

(h) Any further facts necessary for a determination of the person or persons whose consent to the adoption is required to be obtained pursuant to section 7 (*) or who are required to be notified pursuant to section 8 (**) of this act.

(i) If the child is living in the home of the petitioner, the name of the person, county, department, organization or division who placed the child in such home and the date of placement; when the

child enters the home of the petitioner after the filing of the petition such information respecting the placement shall forthwith be furnished to the court by a supplemental petition.

A certified copy of the child's birth certificate shall be filed with the petition if one is obtainable. (120 v. H. 279. Eff. January 1, 1944.)

(*) Section 7 is G. C. section 10512-15.

(**) Section 8 is G. C. section 10512-16.

Sec. 10512-12. **(Time of hearing; appointment of next friend; notice.)** Upon the filing of the petition, or, if the child entered the home of the petitioner after the filing of the petition, then upon the filing of such supplemental petition, the court shall fix a day for hearing which shall be not less than thirty nor more than sixty days after the filing of the petition or such supplemental petition, shall appoint a next friend to the child, and shall cause notice to be given to the parents or parent of the child, if required, as hereinafter provided. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-13. **(Who shall be next friend; investigation; report; expenses.)** The next friend shall be a representative of a county department or certified organization or the division, or some other person qualified by training and experience to perform the functions hereinafter described. If the child sought to be adopted is in the permanent custody of the division, a county department or a certified organization, a representative of the division or of such department or organization shall be appointed as the next friend. The next friend so appointed shall proceed to make a thorough investigation into the suitability of the adoption. Such investigation shall include, in addition to any other information the court may require in the particular case, inquiries as to:

(1) The physical and mental health, emotional stability and personal integrity of the petitioner and the ability of the petitioner to promote the welfare of the child;

(2) The physical and mental condition of the child;

(3) The child's family background, including names and identifying data regarding the parents;

(4) Reasons for the child's placement away from his parents, their attitude toward the proposed adoption, and the circumstances under which the child came into the home of the petitioner;

(5) The suitability of the adoption of this child by this petitioner, taking into account their respective racial, religious and cultural backgrounds, and the child's own attitude toward the adoption in any case in which the child's age makes this feasible.

At least three days prior to the date set for hearing, the next friend shall submit to the court a full report in writing on a form prescribed by the department, with a recommendation as to the proposed adoption and any other information concerning such child or the proposed home which the court may require.

If the next friend is not a public employee the court may include in the costs of the proceeding to be paid by the petitioner, a reasonable sum for the services and necessary expenses of the next friend. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-14. **(Written consents to the adoption required.)**
No final decree or interlocutory order of adoption shall be entered by the court unless there shall be filed with the court written consents to the adoption, witnessed and acknowledged, as follows:

(1) By the child if over twelve years of age.

(2) By each of the living parents, adult or minor, except as follows:

(a) The mother of an illegitimate child shall be considered for purposes of this section to be the sole parent and may give such consent alone, in which case the consent shall state that it is given by the mother by virtue of the fact that she is the sole parent.

(b) The consent of a parent shall not be required if the child is in the permanent custody of the division, a county department or a certified organization, or if such parent's place of residence is unknown and cannot with reasonable diligence be ascertained, or if such parent has been adjudged incompetent by reason of mental disability, provided, however, that the court shall have appointed a guardian ad litem for such parent who has been adjudged incompetent by reason of mental disability. The court may allow such guardian ad litem a reasonable fee for his services which shall be taxed as a part of the costs of the proceeding to be paid by the petitioner.

(c) If it is alleged in the petition that one or both of the parents have wilfully neglected the child for a period of more than two years, immediately preceding the filing of the petition, the court shall, upon application of the petitioner, certify a copy of the petition to the juvenile court of the county where the child is residing; thereupon the juvenile court after due notice to such parent or parents and hearing shall determine the facts as to such neglect and shall certify a copy of its finding to the probate court wherein the petition was filed. The consent of a parent so found by the juvenile court to have wilfully neglected the child for such period shall not be required.

(3) If a guardian of the person of the child has been appointed and is acting as such, then by such guardian.

(4) If the child is in the permanent custody of the division, a county department or a certified organization, then by the division or such department or organization.

Such consents shall be applicable only to the specific adoption proposed by the petition. Such consents may not be withdrawn after the entry of an interlocutory order of adoption.

No final decree or interlocutory order of adoption shall be entered with respect to any child in the custody of the juvenile court or concerning whose custody or disposition proceedings are pending in such court until such custody or proceedings have been suspended or terminated by or in such court.

The consent of any parent awarded custody by a court of this state shall be subject to the approval of such court, and upon the filing in the adoption proceedings of the consent of such parent so approved the jurisdiction of such court over such child shall terminate. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-15. **(Notice to parent required, when.)** Unless the child is in the permanent custody of the division, a county department or a certified organization, the court shall cause notice of the filing of the petition and the time and place of the hearing to be sent by registered mail to any parent whose consent to the adoption is not required to be obtained under the next preceding section. If the address of any such parent is unknown and cannot with reasonable diligence be ascertained, the court shall cause such notice to be mailed to the last known address of such parent, and shall cause notice by publication to be made by advertising once each week for two consecutive weeks in a newspaper of general circulation in the county. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-16. **(Approval or disapproval of placement; jurisdiction.)** If the probate court finds that a child sought to be adopted was placed in the home of the petitioner in violation of the laws relating to the placement of children in foster homes, it shall certify a copy of such finding to the juvenile court of the county where the child is living with the petitioner and shall suspend further action on the petition. Thereupon the juvenile court, after due notice and hearing, shall determine whether such placement is for the best interest of the child, shall either approve or disapprove such placement and shall certify a copy of its finding to the probate court wherein the petition is filed. If the placement is disapproved the juvenile court shall retain jurisdiction, shall order the child removed

from the home of the petitioner and shall determine the custody and disposition of the child. If the placement is approved the adoption proceedings shall go forward in the probate court. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-17. **(Readoption.)** In proceedings for the adoption of a child previously adopted, the written consent of the preceding adopting parent or parents shall be required in the same manner and to the same extent as the written consent of the natural parent or parents in a first adoption is required. In the event an adopted child is subsequently adopted by its natural parents or parent, its status as a natural child of such parent or parents shall be restored as fully as though such child had never been adopted by anyone else.

The adoption of a previously adopted child shall not deprive him of any property rights acquired by law from any deceased natural parent or parents or from any deceased former adopting parent or parents. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-17. **(Hearing; examination of petitioner, child, etc.; husband and wife to be examined separately; interlocutory order; court may dispense with probationary period.)** Upon the date set, the court shall proceed to a full hearing on the petition, shall examine under oath the petitioner, the child if over twelve years of age, the next friend and all other persons in interest who are present and to whom lawful notice has been given; and may also examine any other person having information or knowledge pertinent to the adoption. When the petition is filed by a husband and wife, the court shall examine each separate and apart from the other and refuse leave of such adoption unless satisfied from the examination that each petitioner of his or her own free will and accord desires it. Any parent to whom notice is required to be given by the provisions of section 7 (*) of this act whose consent to the adoption is not required to be obtained shall be given an opportunity to be heard. The court may adjourn the hearing from time to time.

If after such hearing the court is satisfied that the requirements of this adoption code have been complied with, that the petitioner is suitably qualified to care for and rear the child and that the best interests of the child will be promoted by the adoption, it shall enter an interlocutory order of adoption declaring that henceforth, subject to the final decree of the court, the child shall have the status of the adopted child of the petitioner; provided that property rights shall not be affected by such interlocutory order.

(*) Section 7 is G. C. section 10512-15.

Provided that the court may dispense with the probationary period provided for in such interlocutory order and may, after such hearing, enter a final decree of adoption:

(a) If the child is legally the child by birth or adoption of the spouse of the petitioner and is living in the home of the petitioner and his spouse, or

(b) If the child has been placed in the home of the petitioner by the division, a county department or a certified organization, has lived in the home of the petitioner continuously for the six months next preceding the filing of the petition, has been visited by a representative of the division, the county department or organization at reasonable intervals during such period, and the division or the county organization recommends the adoption. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-19. **(Visits and report by next friend.)** After the entry of an interlocutory order of adoption the next friend shall visit the child in the home of the petitioner at reasonable intervals and within the sixth month following the interlocutory order shall submit to the court a further written report in a form prescribed by the division of his findings relative to the suitability of the adoption. Provided that if the petitioners are residing or move during such period outside the county and such visitation by the next friend is impracticable the court may arrange for such visitation and report by or through the division. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-20. **(Interlocutory order may be revoked, when; final decree of adoption.)** Upon a hearing, after due notice by registered mail or otherwise, to the petitioner and the next friend and to any other person, organization or public agency which has consented to the adoption, the court may, by order duly entered, revoke its interlocutory order of adoption at any time prior to the entry of the final decree, if it finds that the adoption will not be in the best interests of the child or for any good cause shown. Such action may be taken by the court on its own motion, or on motion of any interested party.

Upon application of the petitioner and the payment of costs the interlocutory order shall be revoked and the petition dismissed at any time prior to the entry of the final decree.

After the expiration of six months from the date upon which the interlocutory order is entered if such order has not been revoked, the court shall enter a final decree of adoption, unless the court finds that it would be to the best interests of the child to extend the period of the interlocutory order. Upon entry of the final decree the court shall forward to the state department of health, division of vital

statistics, a certified copy of the final decree of adoption together with the copy of the child's birth certificate, if any, filed with the petition. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-21. **(Disposition of child if petition dismissed.)** If for any reason whatsoever the petition shall be dismissed or the court shall deny or revoke its interlocutory order of adoption or deny a final decree of adoption, the following disposition shall be made of the child:

(a) If the child is, or was prior to the interlocutory order, in the permanent custody of the division or a county department or certified organization, then the child shall be returned to the division or such department or organization.

(b) Otherwise the cause shall be certified to the juvenile court of the county where the child is then residing for appropriate action and disposition by such court. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-22. **(Record of petition, interlocutory order, decree, etc.)** The petition, the interlocutory order, the final decree of adoption and proceedings shall be recorded in a book kept for such purposes and separately indexed; such book shall be a part of the records of the probate court and all consents, affidavits and other papers shall be properly filed. Such papers, records and books shall not be open to inspection or copy by a person other than the parties of record and their attorneys, except upon order of the court for good cause shown. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 10512-23. **(Legal rights, etc., of adopting parent and adopted child.)** Except as hereinafter provided in the case of adoption by a step-father or step-mother, the natural parents, if living, shall be divested of all legal rights and obligations due from them to the child or from the child to them, and the child shall be free from all legal obligations of obedience or otherwise to such parents; and the adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on the part of the child as if said child had been born to them in lawful wedlock; and the child shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution of personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock; provided, such child shall not be capable of inheriting property expressly limited to heirs of the body of the adopting parent or parents; but shall be capable of inheriting property expressly limited by will or by operation of law to the child or children, heir or heirs at law, or next of kin, of the adopting parent

or parents, or to a class including any of the foregoing and provided, also, if such adopting parent or parents shall have other child or children, then the children by birth and adoption shall, respectively, inherit from and through each other as if all had been children of the same parents born in lawful wedlock. Nothing in this act shall be construed as debarring a legally adopted child from inheriting property of its natural parents or other kin. Provided, however, that in case of adoptions by a step-father or step-mother the rights and obligations of the natural parent who is the spouse of the adopting step-parent shall not in any way be affected by such decree. (120 v. H. 279. Eff. January 1, 1944.)

Sec. 11186. (**Banns, how published; physician's statement; license to be procured, when.**) Previous to persons being joined in marriage, notice thereof shall be published in the presence of the congregation on two different days of public worship; the first publication to be at least ten days before marriage, within the county where the female resides; provided, however, that before the first publication of the banns, the clergyman or spiritual head of the church in which the banns are to be published shall secure from the persons desiring to be married evidence of the fact that there has been filed with the clerk of the probate court of the county in which the female resides the statement, signed by a duly licensed physician of the state of Ohio, that in his opinion neither of the applicants is infected with syphilis in a form that is communicable, or likely to become communicable, together with a laboratory statement as required by the provisions of section 11188 of the General Code or in the event either or both of the persons desiring to be married is a resident of a foreign state which has a similar law requiring a serological test and a physician's examination before marriage, a certificate from such state as provided for in section 11188 of the General Code; or, a license must be obtained for that purpose from the probate judge in the county where such female resides, provided that it shall be the duty of the probate judge of any county to issue such license to any soldier or sailor of the United States who may be stationed for duty in his county, and to the prospective bride of any such soldier or sailor, upon compliance with the requirements of section 11188, regardless of the non-residence of said bride. (119 v. 300.)

Sec. 11187. (**Conditions under which license shall not be granted.**) No license shall be granted when either of the parties, applicants therefor, is an habitual drunkard, epileptic, imbecile, or insane person, or, when either of such parties is under the influence of an

intoxicating liquor, or narcotic drug, or is infected with syphilis in a form that is communicable, or likely to become communicable. (119 v. 300.)

Sec. 11188. (Application for marriage license; physician's statement required; standard serological test for syphilis; appeal; penalty for violation; license granted, when.) Application for marriage license must be made by the parties to the marriage not less than five days and not more than thirty days before a license shall be issued; each of the persons seeking a marriage license, shall personally appear in the probate court of the proper county and make application therefor, and shall state upon their oaths, the name, age, residence, place of birth, occupation, father's name, and mother's maiden name, if known, of each of the parties to such contemplated marriage, and also state the number of times either party has been previously married. In case the bride is a widow, or a divorced woman, her married name also must be stated, and in addition the name of the person who is expected to solemnize the marriage.

Provided, however, no license to marry shall be issued until there shall be in the possession of the clerk of the probate court a statement or statements, signed by a duly licensed physician of the state of Ohio, within thirty days of such examination, that each applicant, within thirty days of the filing of the application for the statement or statements, has submitted to an examination to determine the existence or nonexistence of syphilis, which examination has included a standard serological test or tests for syphilis, and that in the opinion of the examining physician the applicant is not infected with syphilis, or, if so infected, is not in a stage of that disease which is communicable or likely to become communicable; or in the event either or both of the persons desiring to be married is a resident of a foreign state which has a similar law requiring a serological test and a physician's examination before marriage, a certificate from an officer empowered to issue marriage licenses in that state certifying that the laws of said state have been complied with and that the applicant's physical condition is such that he or she could be married in that foreign state. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test setting forth the name of the test, the date it was made, the name and address of the physician to whom a report was sent, and the exact name and address of the person whose blood was tested, but not setting forth the result of the test.

For the purpose of this act, a standard serological test for syphilis shall be a test approved by the state department of health and shall be made at a laboratory approved to make such tests by

the state department of health. A report of such test shall be forwarded to the examining physician who has submitted the blood sample.

Such laboratory tests as are required to be made by this act shall, on request of the physician submitting the sample and on his certificate that the applicant is unable to pay, be made without charge by the state department of health. Where the test is made in a laboratory other than the laboratory of the state department of health, a copy of the report of the test shall be forwarded to the state department of health.

Any applicant for a marriage license having been denied a physician's statement as required by this act, shall have the right of appeal to the department of health of the state of Ohio for a review of the case, and the said department shall, after appropriate investigation, issue or refuse to issue a statement in lieu of the physician's statement required by this section.

The statements of the physician who examined the applicant and the laboratory which made the serological test, shall be uniform throughout the state and shall be upon forms provided therefor by the state department of health. These forms shall be filed by the clerk of the probate court separately from the application for marriage license and shall be required held and considered as absolutely confidential by any and every person whose duty it may be to obtain, make, transmit, or receive such information or report.

Any applicant for a marriage license, physician or representative of a laboratory who shall misrepresent any of the facts prescribed by this act or any licensing officer, having failed to receive the statements prescribed by this act, or having reason to believe that any of the facts therein have been misrepresented and who shall nevertheless issue a marriage license, or any person who shall disregard the confidential character of the information or reports required by this act, shall upon conviction thereof in the county wherein such offense was committed, be fined not more than one hundred dollars (\$100) to be paid to the use of said county and the costs of prosecution.

Immediately upon receipt of an application for a license the said court shall place the parties' record in a book kept for that purpose and after the expiration of five days and not more than thirty days from the date of the said application, if the judge is satisfied that there is no legal impediment thereto, and one or both of the parties are present, he shall grant such marriage license. Provided, that if the judge shall be satisfied from the affidavit of a reputable physician in active practice and residing in said county, that either of said parties is unable to appear in probate court, by reason of illness or

other physical disability, then a marriage license may be granted upon the application and oath as aforesaid, of one of the parties to said contemplated marriage; but in such case the person unable to appear in court by reason of such illness or other physical disability shall, at the time of making such application for marriage license make and cause to be filed in said probate court, an affidavit setting forth the information required herein of applicants for a marriage license; and provided further, that for good cause shown the probate judge may waive the provisions of this section with respect to the period between the application for and issuance of a marriage license, and may grant such license any time after the application therefor, provided that the physician's statement and the statement of the laboratory required herein shall not be waived except in those cases provided for in section 11181-1 of the General Code where a minor female is involved. (119 v. 301.)

Sec. 12646. **(Various nuisances.)** Whoever erects, continues, uses or maintains a building, structure or place for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public, or causes or suffers offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice or [of] others or of the public, or unlawfully obstructs or impedes the passage of a navigable river, harbor or collection of water, or corrupts or renders unwholesome or impure, a watercourse, stream or water, or unlawfully diverts such watercourse from its natural course or state to the injury or prejudice of others, shall be fined not more than five hundred dollars. (72 v. 112.)

Sec. 12647. **(Throwing refuse, oil or filth into lakes, streams or drains.)** Whoever intentionally throws, deposits or permits to be thrown or deposited, coal dirt, coal slack, coal screenings or coal refuse from coal mines, refuse or filth from a coal oil refinery or gas works, or whey or filthy drainage from a cheese factory, into a river, lake, pond or stream, or a place from which it may wash therein, or causes or permits petroleum, crude oil, refined oil, or a compound, mixture, residuum of oil or filth from an oil well, oil tank, oil vat or place of deposit of crude or refined oil, to run into or be poured, emptied or thrown into a river, ditch, drain or watercourse, or into a place from which it may run or wash therein, upon conviction in the county in which such coal mine, coal oil refinery, gas works, cheese factory, oil well, oil tank, oil vat or place of de-

posit of crude or refined oil is situated, shall be fined not less than fifty dollars nor more than one thousand dollars. (92 v. 287.)

Sec. 12648. **(Fines and costs are a lien.)** Such fine and costs shall be a lien on such oil well, oil tank, oil refinery, oil vat or place of deposit and the contents thereof, until paid, and such oil well, oil tank, oil refinery, oil vat or place of deposit and the contents thereof, may be sold for the payment of such fine and costs upon execution duly issued for that purpose. (92 v. 287.)

Sec. 12649. **(Deposits of dead animals, offal, etc., upon land or water.)** Whoever puts the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common, or, being the owner or occupant of such place knowingly permits such thing to remain therein to the annoyance of any citizen or neglects to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof in writing from a road superintendent, constable, trustee or health officer of a municipal corporation or township in which such nuisance exists or from a county commissioner of such county, shall be fined not less than ten dollars nor more than fifty dollars, and in default of the payment of such fine and costs, shall be imprisoned not more than thirty days. (98 v. 339.)

Sec. 12650. **(Contents of vault deposited.)** The next preceding section shall not prohibit the deposit of the contents of privy vaults and catch basins into trenches or pits not less than three feet deep excavated in a lot, field or meadow, the owner thereof consenting, outside of the limits of a municipal corporation and not less than thirty rods distant from a dwelling, well or spring of water, lake, bay, pond, canal, run, creek, brook or stream of water, public road or highway, provided that such contents so deposited are forthwith covered with at least twelve inches of dry earth; nor prohibit the deposit of such contents in furrows, as specified for such trenches or pits, to be forthwith covered with dry earth by plowing or otherwise, and with the consent of the owner or occupant of the land in which such furrows are plowed. (98 v. 339.)

Sec. 12651. **(Board of health.)** The board of health of a municipal corporation may allow such contents to be deposited within corporate limits into such trenches, pits or furrows. (98 v. 339.)

Sec. 12652. Repealed. (117 v. 490.)

Sec. 12653. **(Obstructing ditch or drain constructed by taxation.)** Whoever willfully obstructs a ditch, drain or watercourse constructed by order of a board of county commissioners or township trustees, or diverts the water therefrom, shall be fined not less than ten dollars nor more than one hundred dollars. (72 v. 150.)

Sec. 12654. **(Defiling spring or well.)** Whoever maliciously puts a dead animal, carcass or part thereof, or other putrid, nauseous or offensive substance into, or befouls a well, spring, brook or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes, shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than sixty days, or both. (70 v. 12.)

Sec. 12655. **(Nuisances when near state institutions.)** Whoever carries on the business of slaughtering, tallow chandlery or manufacturing glue, soap, starch or other article, the manufacture of which is productive of unwholesome or noxious odors in a building or place within one mile of a benevolent, penal or reformatory institution supported wholly or in part by the state, or erects or operates within one hundred and twenty rods of such benevolent institution or within four hundred feet of the administration department of such penal or reformatory institution, a rolling mill, blast furnace, nail factory, copper smelting works, petroleum oil refinery or other works which may generate unwholesome or noxious odors or make loud noises, or which may annoy or endanger the health or prevent the recovery of the inmates of such institution, shall be fined not less than one hundred dollars nor more than five hundred dollars, and each week such business is so conducted, or works so operated, shall constitute a separate offense. (95 v. 592.)

Sec. 12656. **(Property liable for fines, etc.)** All property, real or personal, which is used with the knowledge of the owner thereof in violation of the next preceding section, shall be liable, without exemption, for the fines and costs assessed for such violation. (95 v. 592.)

Sec. 12657. **(Corporations may be prosecuted for nuisance.)** Corporations may be prosecuted by indictment for violation of any provision of this subdivision of this chapter, and in every case of conviction under such provisions, the court shall adjudge that the nuisance described in the indictment be abated or removed within a time fixed, and, if it is of a recurring character, the defendant shall keep such nuisance abated. (97 v. 310.)

Sec. 12658. (**Proceedings in contempt.**) If the defendant, convicted of a violation of any provision of this subdivision of this chapter, fails, neglects or refuses to abate the nuisance described in the indictment, as ordered by the court, or, if the nuisance is of a recurring character, fails, neglects or refuses to keep it abated, proceedings in contempt of court may be instituted against him and all others assisting in or conniving at the violation of such order, and the court may direct the sheriff to execute the order of abatement at the cost and expense of the defendant. (97 v. 310.)

Sec. 12659. (**Venue under preceding sections.**) An offense charged under any of the sections of this subdivision of this chapter shall be held to have been committed in any county whose inhabitants are, or have been aggrieved thereby. The continuance of such nuisance for five days after the prosecution thereof is begun shall be an additional offense. (63 v. 102.)

Sec. 12660. (**Judgment for fine and costs.**) A judgment for fine and costs rendered against a person or corporation for the violation of any of the provisions of this subdivision of this chapter, when the defendant has no property or not a sufficient amount within the county upon which to levy to satisfy such judgment and costs, may be enforced and collected in the manner judgments are collected in civil cases. (87 v. 351.)

Sec. 12661. (**Inspector of nuisances.**) The county commissioners, whenever there is a violation of any of the provisions of this subdivision of this chapter, are authorized to employ and reasonably compensate one inspector of nuisances who shall be vested with police powers and authorized to examine all cases of violation of such provisions. (87 v. 350.)

Sec. 12662. (**His powers and duties.**) For such purpose, and for obtaining evidence thereof, the inspector of nuisances may enter upon any premises in any county, and shall make or cause to be made a complaint, and institute prosecution, against anyone violating any provision of this subdivision of this chapter. He shall not be required to give security for costs. The prosecuting attorney shall be the legal advisor of such inspector and the attorney in all such prosecutions. (87 v. 350.)

Sec. 12663. (**Depositing poison on thoroughfares.**) Whoever leaves or deposits poison or a substance containing poison in a common, street, alley, lane or thoroughfare, or a yard or enclosure occupied by another, shall be fined not less than five dollars nor more than fifty dollars or imprisoned not less than five days nor more

than thirty days, or both, and be liable to the person injured for all damages sustained thereby. (R. S. Sec. 6958.)

Sec. 12664. **(Prohibiting careless distribution of samples containing drug or poison; penalty.)** Whoever leaves, throws or deposits upon the doorstep or premises owned or occupied by another or hands, gives or delivers or causes the same to be done to any person, except in a place where it is kept for sale, a patent or proprietary medicine, preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic, or a drug or medicine that contains poison or any ingredient that is deleterious to health, as a sample, or for the purpose of advertising, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both. (102 v. 87.)

Sec. 12665. **(Terms defined.)** The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic, as used in the next preceding section, shall include all remedies for internal or external use. (95 v. 146.)

Sec. 12666. **(Regulating the sale of poisons.)** Whoever, knowingly sells or delivers to any person otherwise than in the manner prescribed by law, or sells or delivers in the manner prescribed by law but without the written order of an adult, to a minor under sixteen years of age, any of the following described substances or any poisonous compounds, combinations or preparations thereof, to-wit: the compounds and salts of antimony, arsenic, chromium, copper, lead, mercury, zinc, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, carbolic acid, the essential oils of almonds, pennyroyal, tansy and savin, croton oil, creosote, chloroform, chloral hydrate, cantharides, aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digitalis, hyoscyamus, ignatia, lobelia, nux vomica, opium, physostigma, phytolacca, stronphantus, stramonium, veratum viride, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or other poisonous alkaloids or their salts or other virulent poison, shall be fined not less than ten dollars nor more than fifty dollars for each offense. (95 v. 280.)

Sec. 12667. **(Further regulations.)** Whoever sells or delivers to any person a substance named in the next preceding section without having first learned by due inquiry that such person is aware of the poisonous character thereof and that it is desired for a lawful purpose or without plainly labeling the word "poison," and the names

of two or more antidotes therefor, upon the box, bottle or package containing it or delivers such substance without recording in a book kept for the purpose, the name thereof, the quantity delivered, the purpose for which it is alleged to be used, the date of its delivery, and the name and address of the purchaser and the name of the dispenser or fails to preserve said book for five years and submit it at all times for inspection to proper officers of the law, shall be fined not less than ten dollars nor more than fifty dollars. (95 v. 280.)

Sec. 12668. (**Exceptions to two preceding sections.**) The provisions of the next two preceding sections shall not apply to substances dispensed to or upon the order or prescription of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry, and the record of sale and delivery therein mentioned shall not be required of manufacturers and wholesalers selling any of such substances at wholesale, if the box, bottle or package containing such substance when sold at wholesale, is labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler. (95 v. 281.)

Sec. 12669. (**Same.**) It shall not be necessary to place a poison label upon, nor record the delivery of preparations containing substances named in section twelve thousand six hundred and sixty-six, when a single box, bottle or other package of the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such poisonous substance. (95 v. 281.)

Sec. 12670. (**Further exceptions.**) It shall not be necessary to place a poison label upon, nor record the delivery of, the sulphide of antimony, the oxide or carbonate of zinc, or colors ground in oil and intended for use as paints, nor of calomel, paregoric or other preparations of opium containing less than two grains of opium to the fluid ounce. (95 v. 281.)

Sec. 12671. (**Same.**) It shall not be necessary to place a poison label upon, nor record the delivery of preparations recommended in good faith for diarrhoea or cholera, when each bottle or package is accompanied by specific directions for use and a caution against the habitual use thereof, nor of liniments or ointments when plainly labeled "for external use only," nor preparations put up and sold in the form of pills, tablets, or lozenges and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such poisonous substance. (95 v. 281.)

Sec. 12671-1. (**Enforcement relating to poison.**) The state board

of pharmacy or anyone acting in its behalf shall enforce, or cause to be enforced, the laws relating to the labeling, recording, sale or delivery of poisons as provided in sections 12663, 12664, 12665, 12666, 12667, 12668, 12669, 12670 and 12671 of the General Code. If it has information that any provision of the law has been violated, it shall investigate the same, and upon probable cause appearing, shall file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commenced or caused to be commenced by the state board of pharmacy shall be paid into the state treasury to the credit of the general revenue fund. (109 v. 100.)

Sec. 12672-13. (**Narcotic drugs forfeited, when; disposal.**) All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

(b) Upon written application by the state department of health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said state department of health, for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this state, not operated for private gain, the state department of health may in its discretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The state department of health may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics or may destroy the same.

(d) The state department of health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws. (116 v. 491.)

Sec. 12684. **(Corpse nuisance.)** Whoever, being in charge of a township or other cemetery, permits a dead body to remain in a vault or other receptacle until it becomes offensive shall be fined not more than twenty dollars, and an additional fine of five dollars for each day that the nuisance is continued. Justices of the peace shall have jurisdiction under this section on complaint of any person. (R. S. Sec. 1470.)

Sec. 12689. **(Refusal to deliver corpse.)** Whoever, being a superintendent of a city hospital, city or county infirmary, work-house, asylum for the insane, or other charitable institution founded and supported in whole or in part at public expense, coroner, infirmary director, sheriff, or township trustee, fails to deliver a body of a deceased person when applied for, in conformity to law, or charges, receives or accepts money or other valuable consideration for such delivery, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than six months. (R. S. Sec. 3763.)

Sec. 12690. **(Body may be retained twenty-four hours.)** The next preceding section shall not require the delivery of such body until twenty-four hours after death. (R. S. Sec. 3763.)

Sec. 12691. **(Unlawful possession of corpse.)** Whoever is in possession of a corpse for the purpose of medical, surgical and anatomical study, except in conformity to the provisions of law, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than six months. (R. S. Sec. 3763.)

Sec. 12692. **(Detention of corpse.)** Whoever detains a corpse, claimed by relatives or friends for interment at their expense, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than six months. (R. S. Sec. 3763.)

Sec. 12693. **(Unlawful use of corpse.)** Whoever, being lawfully possessed of a corpse for medical or surgical study, uses it for any other purpose, removes it beyond the limits of this state, traffics therein, or transports or attempts to transport it by railroad or other public conveyance, without it is securely enclosed in a box or case suitable for transportation, shall be imprisoned in jail not more than one year. (R. S. Sec. 7035.)

Sec. 12716. **(Definition of adulterated milk.)** In all prosecutions under this chapter, if milk is shown upon analysis to contain more than eighty-eight per cent of watery fluid, or to contain less than twelve per cent of solids or three per cent of fats, it shall be deemed to be adulterated. (97 v. 119.)

Sec. 12716-1. (**Per cent of milk fat cream shall contain.**) Cream shall consist of that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. It shall contain eighteen per cent of milk fat. Whipping cream is cream which contains not less than thirty per cent of milk fat. The word cream or any combination or association of the word cream, shall not be used as a name or part of a name or any imitation of, or substitute for cream or milk or skim-milk mixture of less than eighteen per cent milk fat in connection with the sale of such imitation or substitute, or in any hotel, restaurant or place where cream is sold, delivered or served. (109 v. 359.)

Sec. 12716-2. (**Sale or exchange of cream which does not conform with requirements, unlawful; penalty.**) Whosoever sells, exchanges, delivers or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange cream or whipping cream which does not conform with the requirements in section 1 (*) of this act, and whoever uses the word cream or any combination or association of the word cream in violation of the provisions of section 1 (*) of this act shall be fined not less than fifty dollars nor more than two hundred dollars; and for a second offense shall be fined not less than one hundred dollars nor more than three hundred dollars, or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days. (109 v. 359.)

(*) Section 1 is G. C. section 12716-1.

Sec. 12717. (**Sale of adulterated milk.**) Whoever sells, exchanges, or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk from cows fed on wet distillery waste or starch waste, or from cows kept in a dairy or place which has been declared to be in an unclean or unsanitary condition by certificate of any duly constituted board of health or duly qualified health officer within the county in which said dairy is located, or from diseased or sick cows, shall be fined not less than fifty dollars nor more than two hundred dollars; and, for a second offense, shall be fined not less than one hundred dollars nor more than three hundred dollars, or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days. (99 v. 239.)

Sec. 12718. (**Penalty for subsequent offense.**) For a subsequent offense, a person violating the next preceding section shall be fined

fifty dollars and imprisoned in the jail or workhouse not less than sixty days nor more than ninety days. (99 v. 239.)

Sec. 12719. (**Misrepresentation as to pure milk.**) Whoever sells, exchanges, delivers or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be fined not less than fifty dollars nor more than two hundred dollars. For a second offense he shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days, and, for a subsequent offense, shall be fined fifty dollars and imprisoned in the jail or workhouse not less than sixty days nor more than ninety days.

(**Standardized milk not prohibited, when labeled.**) The provisions of this chapter shall not be construed to prohibit the sale, exchange or delivery or having in custody or possession with intent to sell, exchange or deliver, standardized milk, which is milk of which the original fat content has been changed by partial skimming or by the addition of skimmed milk, cream or milk rich in fat, and which contains not less than three and one-half per cent of milk fats and twelve per cent total solids, if the can or vessel containing such milk be labeled standardized milk and the percentage of butter fat contained in such milk or in unstandardized milk sold at retail be plainly stated on the label permitting a two-tenths of one per cent tolerance on one or more bottles, cans or vessels, but an average of twenty-five bottles, vessels or cans shall contain the required stipulated percentage of fat. (109 v. 550.)

Sec. 12720. (**"Skimmed milk" must be so labeled.**) Whoever sells, exchanges, delivers or has in his custody or possession with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, except standardized milk complying with the provisions of section 12719, unless in a conspicuous place above the center and upon the outside of each vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed Gothic letters not less than one inch in length, shall be fined not less than fifty dollars nor more than two hundred dollars. (109 v. 551.)

Sec. 12720-1. (**Price paid producers based upon percentage of butter fat.**) The price paid to the producers of milk by the dealers or manufacturers shall be based upon milk containing 3.5 per cent butter fat; and a differential may be paid which should be greater

for milk containing more than 3.5 per cent butter fat and less for milk containing less than 3.5 per cent butter fat. And whoever is guilty of a violation of this provision shall be fined not less than fifty dollars nor more than two hundred dollars. (109 v. 551.)

Sec. 12721. **(Subsequent offense.)** For a second offense, a person violating the next preceding section shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days, and, for a subsequent offense, shall be fined fifty dollars and so imprisoned not less than sixty days nor more than ninety days. (86 v. 229.)

Sec. 12722. **(Standard milk measure or pipette.)** Whoever uses a standard measure of milk or cream other than that which is defined in this section, where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of such milk or cream is determined by the per cent of butter fat contained therein by the Babcock test, shall be fined not less than twenty-five dollars nor more than one hundred dollars. In the use of the Babcock test the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof. The standard unit of cream for testing shall be eighteen grams. (97 v. 285.)

Sec. 12723. **(Selling or offering incorrectly marked measures.)** Whoever offers for sale or sells a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as provided in the next preceding section, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (97 v. 286.)

Sec. 12724. **(Penalty for manipulating, etc., the Babcock test; butterfat samples to be retained.)** Whoever, at a cheese factory, creamery, condensed milk factory or other place where milk is tested for quality or value, manipulates, underreads or overreads the Babcock test or any other contrivance used for determining the quality or value of milk or cream, or makes a false determination by the Babcock test or otherwise, or whoever, being the purchaser of milk, fails to retain the sample, from which the butterfat content has been determined as a basis for computing price to the producer, for a period of forty-eight hours, or in the case of cream, twenty-four hours, following such test, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (119 v. 89.)

Sec. 12725. **(Condensed milk.)** Whoever manufactures, sells, exchanges, exposes or offers for sale or exchange, condensed milk unless it has been made from pure, clean, fresh, healthy, unadulterated and wholesome milk, from which the cream has not been removed and in which the proportion of milk solids shall be the equivalent of twelve per cent of milk solids in crude milk, twenty-five per cent of such solids being fat, and unless the package, can or vessel containing it is distinctly labeled, stamped or marked with its true name, brand, and by whom and under what name made, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12726. **(Delivery of adulterated milk to cheese and butter factories.)** Whoever, with intent to defraud, sells, delivers, or causes to be delivered, to a cheese or butter factory, milk which is adulterated or diluted within the meaning of the law, or from which any cream has been taken, or from which the part known as "stripping" has been withheld, or keeps or renders a false account of the quantity or weight of milk furnished at or to a factory or sold to a manufacturer, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12727. **(Impure or unhealthy milk.)** Whoever sells, exchanges, or offers for sale or exchange, unclean, impure, unhealthy or unwholesome milk shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12728. **(Milk, falsely branded or labeled.)** Whoever sells, exchanges, exposes, offers for sale or exchange, has in his possession or disposes of milk which is falsely branded, labeled, marked or represented as to grade, quantity or place where produced or procured, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12729. **(Keeping unhealthy cow.)** Whoever keeps a cow for the production of milk in a cramped or unhealthy condition, or feeds it on unhealthy food, or on food which produces impure, unhealthy or unwholesome milk, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12730. **(Refilling milk and cream bottle[s].)** Whoever fills or refills with milk, cream or other milk products a glass jar or bottle, with intent to sell such milk, cream or other milk product, unless such glass jar or bottle is first thoroughly cleansed or sterilized, shall be fined not more than one hundred dollars. (99 v. 454.)

Sec. 12730-1. **(Definitions.)** For the purpose and within the meaning of this act the following definitions shall obtain:

(1) "Frozen desserts" means ice cream, frozen custard, milk sherbet, ice or ice sherbet and imitation ice cream as defined in this act.

(2) "Milk products" means pure, clean and wholesome cream, pure milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, and condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk.

(3) "Ice cream" means the pure, clean, frozen product made from a combination of two or more of the following ingredients: milk products, eggs, water, and sugar with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material. It contains not more than one-half of one per centum by weight of stabilizer, not less than ten per centum by weight of milk fat, and not less than eighteen per centum by weight of total milk solids; except when fruit, nuts, cocoa or chocolate, maple syrup, cakes or confections are used for the purpose of flavoring; then it shall contain not less than ten per centum by weight of milk fat and not less than eighteen per centum by weight of total milk solids, except for such reduction in milk fat and in total milk solids, as is due to the addition of such flavoring, but in no such case shall it contain less than eight per centum by weight of milk fat nor less than fourteen per centum by weight of total milk solids. In no case shall any ice cream weigh less than **four and one-quarter pounds ($4\frac{1}{4}$) per gallon.**

(4) "Frozen custard" means custard ice cream, ice custard, parfaits and similar frozen products. Frozen custard is a clean, whole-

some product made from a combination of two or more of the following ingredients: Milk products, eggs, water and sugar with harmless flavoring and with or without harmless coloring and with or without added stabilizer composed of wholesome, edible material. It contains not more than one-half of one per centum by weight of stabilizer, not less than ten per centum by weight of milk fat, and not less than eighteen per centum by weight of total milk solids. Frozen custard shall contain not less than five dozens of clean wholesome egg yolks, or one and five-tenths pounds of wholesome, dry egg yolk containing not to exceed seven per centum by weight of moisture, or three pounds of wholesome, frozen egg yolk, containing not to exceed fifty-five per centum by weight of moisture, or the equivalent of egg yolk in any other form, for each ninety pounds of frozen custard. In no case shall any frozen custard weigh less than four and one-quarter pounds ($4\frac{1}{4}$) per gallon.

(5) "Milk sherbet" means the pure, clean, frozen product made from milk products, water and sugar, with harmless fruit or fruit juice flavoring and with or without harmless coloring, with not less than 0.35 of one per centum of acid as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer composed of wholesome edible material. It shall contain not less than four per centum by weight of milk solids.

(6) "Ice or ice sherbet" means the pure, clean, frozen product made from water and sugar with harmless fruit or fruit juice flavoring with or without harmless coloring, with not less than 0.35 of one per centum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer composed of wholesome edible material.

(7) "Imitation ice cream" means any frozen substance, mixture, or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice cream, or is prepared or frozen as ice cream is customarily prepared or frozen, and which is not ice cream, frozen custard, milk sherbet, ice or ice sherbet as defined in this act.

(8) "Person" means any person, partnership, corporation or association. (115 v. 498.)

Sec. 12730-1a. (License required; fees; restrictions, etc.)

(1) No person shall sell, advertise or offer or expose for sale any frozen dessert manufactured in this state unless the manufacturer thereof is a licensee under the provisions of this article.

(2) No person shall sell or offer for sale or have in his possession with intent to sell at retail any frozen dessert from a fountain,

cabinet, container, or counter unless there is conspicuously displayed at, on or over the fountain, cabinet, container or counter where such product is dispensed, a sign of such size and form as may be prescribed by regulations made by the director of agriculture, and which sign shall be legible to the purchaser and shall state the name of the manufacturer of such products.

(3) No person shall sell, or offer or expose for sale imitation ice cream unless a sign containing the words "imitation ice cream sold here" appears in a prominent place where it can be easily read by purchasers. If curb service is given, the sign must appear both inside and outside the building. The size of said sign shall be designated by the director of agriculture.

(4) No person shall be regularly engaged in the business of operating one or more ice cream freezers for the purpose of manufacturing any frozen dessert to be sold at wholesale or retail without first obtaining a license for the operation of all freezers from the director of agriculture. Application for such license shall be made to the director of agriculture in such manner as he may prescribe and shall be accompanied by a fee according to the following schedule:

(a) For manufacturers selling at wholesale and/or retail and using continuous freezers the fee shall be one-fourth ($\frac{1}{4}$) of the rated capacity in gallons per hour, designated by the manufacturer of the freezer or freezers, multiplied by two dollars (\$2.00) per gallon, but in no case shall the fee be less than ten dollars (\$10.00) for any freezer or freezers used.

(b) For manufacturers selling at wholesale and/or retail and using other types of freezers the fee shall be two dollars (\$2.00) per gallon capacity of the freezer or freezers used, but in no case shall the fee be less than ten dollars (\$10.00) for any freezer or freezers used, except any farmer who manufactures and sells only the product of his own cows.

The director of agriculture shall thereupon cause an investigation to be made and if it be found that the applicant is supplied with the facilities necessary to operate a sanitary plant or place for the manufacture of frozen desserts and the plant or place is in a sanitary condition, the director of agriculture shall cause a license to be issued which shall be in effect for one year and may be renewed upon the same conditions and payment of the same fee, annually thereafter.

(5) No person shall sell, advertise or offer or expose for sale a frozen dessert if it contains any fat, (*) oils or paraffin other than milk fats, except such fats, oils or paraffin as are naturally contained in the flavors used. (115 v. 499.)

(*) Should this read "fats"?

Sec. 12730-1b. **(Pasteurized mixtures shall be used; exceptions.)**

Whoever regularly manufactures for sale any frozen desserts shall use in such manufacturing only mixtures in which the milk products have been pasteurized in accordance with the regulations governing pasteurization adopted by the director of agriculture; unless the cream, milk, or other milk products contained therein shall be produced from disease-free cows, as determined by such tests as are provided by law, and unless such cream and milk contain less than one hundred thousand bacteria per cubic centimeter. (115 v. 500.)

Sec. 12730-1c. **(Labeling, misrepresentation, use of containers, etc.)**

(1) No person shall sell or offer or expose for sale frozen desserts in any container which is labeled with the name of a person other than the manufacturer of such frozen desserts.

(2) No person shall misrepresent in any manner the name of the manufacturer of frozen desserts.

(3) No person shall use or cause or permit to be used, for the purpose of preserving or holding frozen desserts, any cabinet, can, container, or other equipment owned by any other person without the written consent of such owner.

(4) No person shall place any frozen desserts of one manufacturer in the cabinet, can, container or other equipment belonging to another manufacturer without the written consent of the owner thereof.

(5) No person other than the owner shall remove, erase, obliterate, cover or conceal the owner's name or any distinguishing mark or device which may appear or be placed on any cabinet, can, container or other equipment. (115 v. 501.)

Sec. 12730-1d. **(Penalty for violation.)** Any person found guilty of violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars. (115 v. 501.)

Secs. 12730-3. Repealed. (115 v. 501.)

Sec. 12730-4. **(Suspension of license; notice of hearing.)** The secretary of agriculture may suspend any such license temporarily for failure to comply with the provisions of this act, or any regulations or order made by him hereunder, and shall have the power finally to revoke the same for such cause. Before any such suspension or revocation of a license is made, the secretary of agriculture shall give written notice to the licensee that he contemplates the suspension or revocation of the same and giving his reasons therefor. Such

notice shall appoint a time for hearing before said secretary of agriculture and may be sent by registered mail to the licensee. On the day of the hearing, the licensee may present such evidence as he desires, and after hearing the evidence, the secretary of agriculture shall decide the matter in such manner as to him appears just and right. (109 v. 324.)

Sec. 12731. **(Placards to be displayed by dealers.)** Whoever sells, deals in, keeps for sale, exposes or offers for sale or exchange, a substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, which appears to be, resembles or is made in imitation of, or as a substitute for, butter or cheese, without keeping a card, not less than ten by fourteen inches in size in a conspicuous place where it may be easily seen and read in the store, room, stand, booth, wagon or place where such substance is, on which is printed upon a white ground in black Roman letters, not less in size than twelve line pica, the words "oleomargarine sold here," or "imitation cheese sold here," and no other words, or sells oleomargarine, suine, imitation cheese or other dairy product at retail or in any quantity less than the original package, tub or firkin, unless he shall first inform the purchaser that the substance is not butter or cheese, but an imitation thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12732. **(Placards to be displayed by hotel proprietors, etc.).** Whoever, being a proprietor, keeper, manager, or person in charge of a hotel, boarding house, restaurant, eating house, lunch counter, lunch room, boat, railroad car or other place, therein sells, uses, disposes of, furnishes, serves, or uses in cooking, a substance which appears to be, resembles, or is made in, or as an imitation of, or a substitute for butter or cheese which is not wholly made from pure milk or cream, salt, and harmless coloring matter, without keeping a card in a conspicuous place therein, which shall be white and not less than ten by fourteen inches in size, upon which shall be printed in plain, black Roman letters, not less than twelve line pica, the words "oleomargarine sold and used here," or "imitation cheese sold and used here," and no other words, or sells, furnishes or disposes of such substance as and for butter or cheese made from pure milk or cream, salt and harmless coloring matter, when butter or cheese is asked for, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than

one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12733. (**Unhealthy dyes in oleomargarine.**) Whoever manufactures oleomargarine which contains methyl, [-] orange, butter-yellow, annatto, aniline dyes or other coloring matter, shall be fined not less than one hundred dollars nor more than five hundred dollars, and, for each subsequent offense, in addition to the above fine, may be imprisoned not more than ninety days. (91 v. 274.)

Sec. 12734. (**Oleomargarine, sale of is illegal, when; penalty.**) Whoever offers or exposes for sale, sells or delivers, or has in his possession with intent to sell or deliver for consumption in Ohio, yellow oleomargarine which has a tint or shade of more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent, such measurements to be made under regulations prescribed by the director of agriculture, shall be fined not less than one hundred dollars nor more than five hundred dollars, and, for each subsequent offense, in addition to the above fine may be imprisoned not more than ninety days. (114 v. 84.)

Sec. 12735. (**Oleomargarine defined.**) The word "oleomargarine" as used in the next two preceding sections means any substance, not pure butter of not less than eighty per cent of butter-fats, which is made as a substitute for, in imitation of, or to be used as butter. (91 v. 275.)

Sec. 12736. (**Definitions.**) (a) For the purpose of this section—

1. The word "milk" means cow's milk and may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

2. The word "process" means the manufacturing method and procedure established by order of the federal food and drug administration under authority of the federal food, drug and cosmetic act.

3. The words "vendible portion" as used in section 12746 shall be understood to mean a portion of large styles of cheese, not exceeding one pound in weight, usually or customarily sold to customers in segments or slices.

4. The words "date of manufacture" mean the date the rennet or enzymes was added to the milk.

(b) The definitions and standards of cheese made in Ohio shall be as follows:

(1) Cheese. The product made from the separated curd obtained by coagulating the casein of milk, skimmed milk, or milk en-

riched with cream by means of rennet or other suitable enzyme, lactic fermentation, or a combination of the two, with or without the addition of seasoning or harmless coloring matter.

(2) Cheddar cheese, American cheese, American cheddar cheese. The cheese made by the cheddar process from heated and pressed curd obtained by action of rennet on milk, and containing not more than 39 per cent of water, and, in the water-free substance, not less than 50 per cent of milk fat.

(3) Washed curd cheese. The cheese made by the washed curd process from heated and pressed curd obtained by the action of rennet on milk, and containing not more than 42 per cent of water, and, in the water-free substance, not less than 50 per cent of milk fat.

(4) Colby cheese. The cheese made by the colby process from heated and pressed curd obtained by the action of rennet on milk, and containing not more than 40 per cent of moisture, and, in the water-free substance, not less than 50 per cent of milk fat.

(5) The date of manufacture shall be legibly and plainly stamped or marked on each original cheddar cheese, washed curd cheese, colby cheese and swiss cheese. (119 v. 548.)

Sec. 12737. **(Selling or offering imitation or substitute when cheese called for.)** Whoever sells or offers for sale, to a person asking, sending or inquiring for cheese, an article, substance or compound made in imitation or semblance of or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, and containing not less than ten per cent pure butter fats, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (97 v. 253.)

Sec. 12738. **(Failure to placard sides of vehicle.)** Whoever peddles, sells, solicits orders for the future delivery of or delivers from a cart, wagon or other vehicle, upon the public streets or ways, "filled cheese," "skimmed cheese" or a substance made in imitation or semblance of cheese or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, not having on both sides of such cart, wagon or other vehicle a placard in uncondensed gothic letters not less than three inches in length containing the words "filled cheese" or "skimmed cheese" and no other words, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less

than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 52.)

Sec. 12739. **(Posting of placard at place of business.)** Whoever sells "filled cheese," "skimmed cheese" or a substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, from a dwelling, store, office or public mart, without having conspicuously posted thereon a placard or sign in letters not less than four inches in length "filled cheese sold here," or "skimmed cheese sold here," and no other words, shall be fined one hundred dollars and one hundred dollars for each day's failure thereafter to conform to such provision of law. (92 v. 52.)

Sec. 12740. **(Restrictions on manufacture of artificial dairy products.)** Whoever manufactures out of any oleaginous substance, or a compound thereof, other than that produced from unadulterated milk or cream, salt and harmless coloring matter, an article designed to be sold as butter or cheese made from pure milk or cream, salt or harmless coloring matter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. This section shall not prevent the use of pure skimmed milk in the manufacture of cheese. (83 v. 178.)

Sec. 12741. **(Restrictions on sale of artificial dairy products.)** Whoever sells, exposes or offers for sale or exchange, a substance purporting, appearing or represented to be butter or cheese, or having the semblance thereof, which is not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is done under its true name and each vessel, package, roll or parcel of such substance has distinctly and durably painted, stamped, stenciled or marked thereon its true name and the name of each article or ingredient used or entering the composition thereof in ordinary bold faced letters, not less than five line pica in size, or sells or disposes of such substance without delivering with each amount sold or disposed of a label so marked, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (84 v. 182.)

Sec. 12742. **(Selling or offering imitation or substitute without proper brands and placard.)** Whoever sells or offers for sale, an article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet and harmless coloring matter, not marked and distinguished by all the marks, words and stamps required by law, and not having in addition thereto upon the exposed contents of every opened tub, box or parcel thereof, a conspicuous placard with the words "filled cheese" or skimmed cheese," as the case may be, printed thereon in plain, uncondensed letters not less than one inch long, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 52.)

Sec. 12746. **(“Skimmed cheese” must be so labeled; penalty.)** Whoever sells, exposes for sale or has in his possession with intent to sell, cheese made in semblance of a style or styles usual and customary in the manufacture and sale of the types defined in section 12736 as “cheddar cheese”, or “washed curd cheese” or “colby cheese” containing less than fifty per cent of butterfat in the water-free substance, without having the words “skimmed cheese” legibly stamped, labeled or marked upon each vendible portion of such cheese in printed letters of plain, uncondensed type not less than one inch in length so that the words cannot easily be defaced, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (119 v. 549.)

Sec. 12746-1. **(Direct sale to consumers permitted.)** Producers of cheese on their own farms are not prohibited by this act from producing cheese from their own products and selling direct to consumers. (119 v. 549.)

Sec. 12747. **(Same not in original package.)** Whoever retails “filled cheese” or “skimmed cheese,” as provided in the next two preceding sections, not in the original package, without attaching to each piece or package sold and delivered, a wrapper or label bearing in a conspicuous place on the outside of the package the words “filled

cheese" or "skimmed cheese" in printed letters of plain, uncondensed gothic type not less than one inch in length, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (97 v. 253.)

Sec. 12748. (**Erasing or cancelling label on filled or skimmed cheese.**) Whoever sells, exposes for sale or has in his possession with intent to sell, an article substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in the next three preceding sections, or with intent to deceive, defaces, erases, cancels or removes a mark, stamp, brand, label or wrapper provided for in such sections, or falsely labels, stamps or marks a tub, box, article or package so marked, stamped or labeled, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned in the county jail not less than twenty days nor more than sixty days, or both. (92 v. 51.)

Sec. 12749. (**Fraudulent shipments of dairy products.**) Whoever packs, boxes, incloses, ships or consigns a substance as butter or cheese made from pure milk or cream, salt and harmless coloring matter in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of it, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12750. (**Falsely marked imitation dairy products.**) Whoever sells, exchanges, exposes or offers for sale or exchange, disposes of or has in his possession a substance made in imitation or resemblance of, or as a substitute for a dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, the name or cream value thereof, its composition or ingredients or in any other respect, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 179.)

Sec. 12751. (**Selling falsely branded dairy products.**) Whoever sells, exchanges, exposes or offers for sale or exchange, disposes of or has in his possession a dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, date of manufacture, name or cream value thereof, composition, ingredients or in any other respect, or cheese wholly made from skimmed milk not having on the box or can containing it the words, "made from skimmed milk," shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 179.)

Sec. 12752. (**Mixing improper articles with butter or cheese.**) Whoever manufactures, mixes, compounds with or adds to pure milk, cream, butter or cheese, animal fat, animal, mineral or vegetable oils, acids or other deleterious ingredients, or manufactures an oleaginous or other substance not produced from pure milk or cream, salt and harmless coloring matter, or has in his possession or sells, offers or exposes it for sale or exchange with intent to sell or dispose of it as and for butter or cheese made from unadulterated milk or cream, salt and harmless coloring matter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 179.)

Sec. 12753. (**Improper use of words "butter," etc.**) Whoever places on a package, roll, parcel or vessel containing an imitation dairy product not made wholly from pure milk or cream, salt and harmless coloring matter the words "butter," "creamery" or "dairy" or any word or combination of words embracing them, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (84 v. 182.)

Sec. 12754. (**Use of imitation butter or cheese at public institutions.**) Whoever, in a charitable or penal institution of the state, having charge of the purchase of butter or cheese, knowingly purchases any butter or cheese which is not made wholly from pure milk or cream, salt and harmless coloring matter, and permits it to be used in such institution, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be

fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180.)

Sec. 12755. (**Manufacturing or selling "renovated butter" or "process butter".**) Whoever manufactures for sale, offers or exposes for sale, sells, exchanges, delivers or has in his possession with intent to sell, exchange or deliver, butter that is produced by taking original packing stock butter or other butter, or both, melting such butter so that the butter fat can be drawn off or extracted, mixing such butter fat with milk, cream, skimmed milk or other milk product and reworking or rechurning such mixture, or manufactures for sale, offers or exposes for sale, sells, exchanges, delivers or has in his possession for any of such purposes butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, or cold extracted process or renovated butter, and which is hereby designated as "renovated butter" or "process butter," unless it is branded or marked as provided in the next succeeding section, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail or workhouse not less than thirty days nor more than sixty days, or both. (99 v. 243.)

Sec. 12756. (**Labeling and packing such butter.**) Whoever sells, exposes for sale or has in his custody or possession with intent to sell, "renovated butter" or "process butter," as defined in the next preceding section, unless the words "renovated butter" or "process butter" are conspicuously stamped, labeled or marked in one or two lines and in plain gothic letters, at least three-eighths of an inch square, so that such words can not easily be defaced, upon two sides of each tub, fifkin [firkin], box or package containing it or exposes such butter for sale uncovered or not in a case or package, unless a placard containing such words in the form above described, is attached to the mass in such manner as to be easily seen and read by the purchaser; or sells such butter from such package or otherwise at retail, in print, roll or other form, unless before delivering to the purchaser thereof, it is contained in wrappers upon the outside of which is plainly printed or stamped the words "renovated butter" or "process butter" in one or two lines in plain gothic letters at least three-eighths of an inch square without other words or printing thereon and in plain view of said purchaser and not concealed, shall be fined not less than fifty dollars nor more than one hundred dollars,

and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail or workhouse not less than thirty days nor more than sixty days, or both. (99 v. 244.)

Sec. 12757. (Refusing secretary of agriculture entrance to factory, etc.; penalty.) Whoever refuses to allow the secretary of agriculture, his inspectors or agents, to enter a creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric car or place which he or such inspector or agent desires to enter in the discharge of his official duty, or interferes with such secretary or his inspector or agent in such discharge, or refuses to deliver to him or his inspector or agent a sample of food, drug or linseed oil made, sold, offered for sale by such person, upon request therefor and tender of the value thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in jail not less than thirty days nor more than one hundred days, or both. (107 v. 494.)

Sec. 12758. (Selling adulterated and misbranded food or drug.) Whoever manufactures for sale, offers for sale or sells a drug, article of food, or flavoring extract which is adulterated or misbranded as the terms "drugs," "food," "flavoring extract," "adulterated" and "misbranded" are defined and described by law, or manufactures, offers or exposes for sale or delivers a drug or article of food and fails, upon demand and tender of its value, to furnish a sample thereof for analysis, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both. (81 v. 67.)

Sec. 12758-1. (Confiscation and destruction of machinery, etc., used in adulteration of foods, etc.) Whenever anyone has been taken into custody for the violation of the provisions of section 5778 of the General Code, any apparatus or machinery used in such violation shall be confiscated by the arresting officer and shall be used as evidence against the alleged violator. After the trial and conviction of the alleged violator such apparatus or machinery shall be destroyed. (119 v. 670.)

Sec. 12759. (Additional penalty.) A person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug, as described in the next preceding section, shall pay all

necessary costs and expenses incurred in inspecting and analyzing such adulterated article. (99 v. 259.)

Sec. 12760. (**Selling, etc., unwholesome provisions.**) Whoever sells, offers for sale or has in possession with intent to sell, diseased, corrupted, adulterated or unwholesome provisions without making the condition thereof known to the buyer, shall be fined not more than fifty dollars or imprisoned twenty days, or both. (99 v. 259.)

Sec. 12761. (**Penalty for slaughter, sale, etc., for human consumption of calf less than four weeks old; confiscation of carcass.**) Whoever being a dealer, slaughterer or processor of meat or meat products for human consumption, kills or has in his possession for the purpose of killing, a calf less than four weeks old or has in his possession the carcass of a calf not sufficiently mature to be fit for human consumption, shall be fined not more than fifty dollars or imprisoned not more than twenty days, or both. The carcass of such calf may be confiscated by a duly authorized agent of the United States Department of agriculture, the department of agriculture of Ohio, or by a duly authorized agent of the department of health of the state of Ohio or any of its political subdivisions. (120 v. S. 185. Eff. May 24, 1943.)

Sec. 12762. (**Manufacture and sale of adulterated candy; samples.**) Whoever manufactures for sale, sells or offers for sale, candy with an admixture of terra alba, barytes, talc or other mineral substance, or with poisonous colors or flavors or other ingredients deleterious or detrimental to health, or, being a manufacturer of or dealer in candy, refuses, upon demand and a tender of payment therefor, to furnish a sample thereof for analysis, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both, and shall pay all costs and expenses incurred in inspecting and analyzing such adulterated candy which shall be forfeited and destroyed under the direction of the court. (83 v. 119.)

Sec. 12763. (**Maple sugar and syrup defined.**) Maple sugar or pure maple sugar and maple syrup or pure maple syrup are the unadulterated product by the evaporation of pure sap from the maple tree. The standard of weight of a gallon of maple syrup of two hundred and thirty-one cubic inches shall be eleven pounds. A substance purporting to be maple syrup or maple sugar not made in compliance with this section shall be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be an adulteration of maple syrup. (97 v. 46.)

Sec. 12764. (**Adulterated maple sugar or syrup.**) Whoever manufactures for sale, offers for sale, has in his possession with intent to sell, or sells or delivers, as and for maple syrup or maple sugar, an adulteration thereof shall be fined not less than fifty dollars nor more than two hundred dollars. (97 v. 46.)

Sec. 12765. (**Fraudulent use of word "maple".**) Whoever offers for sale, has in his possession with intent to sell, sells or delivers an adulteration of maple syrup or maple sugar in a box, can, bottle or other package having the word "maple," or a compound thereof, as the name or part of the name of the contents thereof or a device or illustration suggestive of maple syrup or sugar or the manufacture thereof, shall be fined not less than fifty dollars nor more than two hundred dollars. (97 v. 47.)

Sec. 12766. (**Package must bear label of packer.**) Whoever offers for sale, has in his possession with intent to sell, sells or delivers as and for maple syrup or maple sugar, an article which does not bear the name and address of the packer and also the state, territory or country in which it was produced, in plain legible type upon the label, shall be fined not less than fifty dollars nor more than two hundred dollars. (97 v. 47.)

Sec. 12774. (**Vinegar.**) Whoever manufactures for sale, sells, delivers, offers or exposes for sale, or has in possession with intent to sell or deliver, vinegar not made in compliance with law, or contained in packages not branded in compliance with law, or violates any provision of law relating to vinegar, adulterated vinegar, or "fermented" or "distilled" vinegar, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both, and pay all necessary costs and expenses incurred in inspecting and analyzing such vinegar. (93 v. 185.)

Sec. 12775. (**Unlabeled canned fruits and vegetables.**) Whoever, being a packer or dealer in preserved or canned fruits, vegetables or other articles of food, offers them for sale unless they bear a mark to indicate the grade or quality, and the name and address of the person, firm or corporation packing or dealing therein, except such as are brought from foreign countries, shall be fined not less than fifty dollars if a vendor, nor more than one thousand dollars if a manufacturer or packer. (82 v. 163.)

Sec. 12776. (**Falsely stamping fruit or vegetable packages.**) Whoever falsely stamps or labels cans or jars containing preserved fruit, vegetables or other articles of food or knowingly permits such

false stamping or labeling, shall be fined not less than five hundred dollars nor more than one thousand dollars; and whoever sells or offers to sell such cans or jars shall be fined not less than fifty dollars. (82 v. 163.)

Sec. 12777. (**Label of "soaked" goods.**) Whoever manufactures, sells or offers to sell "soaked" good[s] or goods put up from products dried before canning, without plainly marking them with an adhesive label having on its face the word "soaked," in letters not less in size than two line pica of solid and legible type, shall be fined not less than fifty dollars, if a vendor, and not less than five hundred dollars nor more than one thousand dollars, if a manufacturer or packer. (83 v. 73.)

Sec. 12778. (**Board of health to prosecute under three preceding sections.**) Every board of health shall prosecute a person, firm or corporation which it has reason to believe has violated any provision of the next three preceding sections; and, after deducting the costs of trial, retain the residue of fines recovered for the use of such board. (82 v. 163.)

Sec. 12779. (**Feeding unwholesome offal or flesh to swine, etc.**) Whoever feeds to animals, used for human food, the flesh of an animal which has become old, decrepit, infirm or sick, or which has died from such cause, or offal or flesh that is putrid or unwholesome, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than thirty days, or both, and, for each subsequent offense, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than six months, or both. (R. S. Sec. 6928.)

Sec. 12780. (**Animals dying from contagious diseases.**) Whoever, being the owner of an animal dying of a contagious disease, within twenty-four hours after knowledge thereof or after notice in writing from the township trustees, fails to burn the body of such animal, or bury it not less than four feet below the surface of the ground or remove it in a water tight tank to a fertilizing establishment, shall be fined not less than five dollars nor more than twenty dollars and pay all necessary expenses incurred in disposing of such animals. (R. S. Sec. 6923a.)

Sec. 12781. (**Duty of township trustees.**) In event of failure to comply with the next preceding section the township trustees shall have such body burned or buried and bring an action before a justice of the peace to recover fines, costs and expenses. (R. S. Sec. 6923a.)

Sec. 12782. (**Fish offal.**) Whoever takes one or more barrels of

fish from any of the waters of this state and fails to bury the offals thereof at least two and a half feet beneath the surface of the earth, or burn them, within one day after such fish are taken and cleaned, shall be fined not less than five dollars nor more than fifty dollars before any justice of the peace of the county in which the offense was committed. (R. S. Sec. 4307.)

Sec. 12783. **(Putting dead animals in canals.)** Whoever wilfully places, or causes to be placed, a dead animal in a canal or slack water pool belonging to the state, shall be fined not less than five dollars nor more than twenty dollars. Such offender may be prosecuted before any justice of the peace in any county where he may be found. (38 v. 87.)

Sec. 12784. **(Jurisdiction of municipality to prevent water pollution.)** Whoever pollutes a running stream, the water of which is used for domestic purposes by a municipality, by putting therein a putrid or offensive substance, injurious to health, shall be fined not less than five dollars nor more than five hundred dollars. The director of public service or board of trustees of public affairs of a municipal corporation shall enforce the provisions of this section. The jurisdiction of a municipal corporation to prevent the pollution of its water supply and to provide penalty therefor, shall extend twenty miles beyond the corporation limits. (R. S. Sec. 2433.)

Sec. 12785. **(Exposure in public, having contagious disease; giving or selling articles in charge of such person; penalty.)** Whoever, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious disease, wilfully or unlawfully exposes himself in a street, shop, inn, theater or other public place or public conveyance, or, being in charge of a person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes without previous disinfection by the board of health bedding, clothing, rags, or other thing, which has been exposed to infection from such disease, or knowingly lets for hire a house, room or part of a house in which a person has been suffering from such disease, prior to the disinfection thereof by the board of health, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both. (108 v. Pt. 1, 250.)

Sec. 12786. **(First offense.)** A person violating the next preceding section shall not be imprisoned for the first offense, and the prosecution shall always be as and for the first offense unless the affidavit on which it is instituted contains a contrary allegation. (95 v. 428.)

Sec. 12787. **(Failure to report infant with diseased eyes.)** Who-

ever, being a midwife, nurse or relative in charge of an infant less than ten days old, fails within six hours after the appearance thereof, to report in writing to the physician in attendance upon the family, or if there be no such physician, to a health officer of the city, village or township in which such infant is living, or, in case there be no such officer, to a practitioner of medicine legally qualified to practice, that such infant's eye is inflamed or swollen or shows an unnatural discharge, if that be the fact, shall be fined not less than five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than six months, or both. (91 v. 75.)

Sec. 12789. (**Penalty for violating law relating to maternity boarding houses and lying-in hospitals.**) Whoever violates any provisions of law relating to the establishment, maintenance and inspection of maternity boarding houses and lying-in hospitals, shall be fined not more than three hundred dollars. (101 v. 122.)

Sec. 12797. (**Unsanitary bakery, creamery, dairy, packing house, etc.; penalty.**) Whoever, being the proprietor, owner or manager of a bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughter house, ice cream factory, canning factory or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose, fails to place it in a clean and sanitary condition within ten days after being duly notified in writing or by posting the notice provided for in the next succeeding section, or fails to keep it in such condition thereafter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both. (107 v. 505.)

Sec. 12798. (**Posting notices by secretary of agriculture.**) It shall be the duty of the inspectors of the secretary of agriculture of the state of Ohio to post in a conspicuous place in such of the places mentioned in the preceding section under their respective jurisdictions as directed by said secretary of agriculture a copy of the sanitary code adopted by it printed in plain, legible type at any time after the taking effect of this act. Upon said notice shall be stamped or written the date of such posting and such inspector shall make a record of such date in a book provided for that purpose. A certified copy of the record of such posting shall be received as prima facie evidence of such fact in the trial of any cause in any court of this state. (107 v. 505.)

Sec. 12798-6. **(Unlawful to use burners giving off obnoxious gases, when; penalty.)** Whoever uses or causes or permits to be used an open salamander or coke burner or other outfit or receptacle of any kind in which charcoal, coke, coal, or any other fuel or combustible substance is burned or in process of combustion so as to give off obnoxious gases or gases detrimental to health, in any enclosed residence or enclosed building under construction while a person or persons work or are employed therein without providing a proper pipe, chimney or enclosure to carry said gases from said open salamander, coke burner, outfit or receptacle to the outside of said enclosed building or residence, shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not more than one hundred dollars, and for a second or subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and in each case he shall stand committed until such fine and the costs are paid or until he is otherwise discharged by due process of law. (108 v. Pt. 1, 419.)

Sec. 12933. **(Refusing to permit inspection of certain institutions.)** Whoever refuses to permit, or interferes with the inspection of a public or private hospital, reformatory, house of detention, private asylum, or institution exercising or pretending to exercise a reformatory or correctional influence over its inmates, by the county commissioners of the county in which such institution is situated or the board of health of the municipality in which it is situated, shall be fined not less than twenty-five dollars or imprisoned for six months, or both, and for each subsequent offense shall be fined not less than one hundred dollars and imprisoned for six months. (92 v. 212.)

Sec. 12993. **(Regulating the employment of minors in factories, etc.)** Unless he either is employed in irregular service as defined by section 7765-2 (*), General Code, or is the holder of an age and schooling certificate issued under section 7766-3 (**), section 7766-4 (***), or section 7766-9 (#), General Code, no child under sixteen years of age shall be employed, permitted or suffered to work in or about any (1) mill, (2) factory, (3) workshop, (4) oil-well or pumping-station, (5) cannery or bottling or preserving establishment, (6) mercantile or mechanical establishment, (7) tenement house, (8) garment making or dress making or millinery establishment or working room, (9) store, (10) office, (11) office building, (12) laboratory, (13) restaurant, (14) hotel, boarding house, or apartment house, (15) bakery, (16) barber shop, (17) bootblack stand or establishment, (18) public stable, (19) garage, (20) laundry, (21) place of amusement, (22) club.

(23) or as a driver or chauffeur, (24) or in any coal yard or brick, lumber, or building material yard, (25) or in the construction or repair of buildings, (26) or in the transportation of merchandise; nor if a boy in the personal delivery of messages. No female under twenty-one years of age shall be employed in the personal delivery of messages.*

No child under sixteen years of age shall be engaged in school and employed more than nine hours altogether in any one day and no child under fourteen years of age shall be employed more than four hours in any one day. (III v. 63.)

(*) Section 7765-2 Repealed. See G. C. section 12993-3.

(**) Section 7766-3 Repealed. See G. C. section 4851-5.

(***) Section 7766-4 Repealed. See G. C. section 4851-2.

(#) Section 7766-9 Repealed. See G. C. section 4851-4.

* Provisions of last sentence of first paragraph suspended until April 1, 1945. See "Temporary Legislation," S. B. 126 and S. B. 280.

Sec. 12993-1. (**Employment of child during school hours, unlawful, when.**) It shall be unlawful for any person, firm or corporation to employ, permit, or suffer to work any child who is required by law to be in attendance at school in any business or occupation whatever during the hours when the public schools of the district in which the child resides, including the school or class to which the child is assigned, are in session. (109 v. 399.)

Sec. 12993-2. (**Age and school certificates required of minors.**) Except as provided in section 12993-3 of the General Code, no minor of compulsory school age shall be employed or be in the employment of any person, firm or corporation in any of the occupations mentioned in section 12993 of the General Code, unless such minor presents to such person, firm or corporation, a proper age and schooling certificate, as a condition of employment. No minor of compulsory school age shall be employed or be in the employment of any person, firm or corporation in any other occupation during hours when the public schools of the district in which he resides are in session, unless such minor presents to such person, firm or corporation such age and schooling certificate as a condition of employment. Such employer shall keep the same on file in the establishment where such minor is employed or in the office of the business or in the residence in or about which such minor is employed for inspection by attendance officers, probation officers, the superintendent of schools, or inspectors or other employees of the industrial commission or the department of public welfare of Ohio, or representatives of the district board of health or state department of health.

Such certificate or an over age certificate shall be conclusive

evidence for such employer of the age of such minor and so long as in force of the employer's right to employ such minor and the minor's right to engage in such occupations as are not denied by law to minors of the age and sex stated in such certificate, except that a limited or special certificate is confined to particular employments.

Notice to the school authorities that the child has left the employ of an employer shall render void from that date the age and schooling certificate filed with such employer, in so far as it shall permit the further employment of such child. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 12993-3. **(Employment in irregular service not forbidden.)** Notwithstanding the provisions of sections 12993 and 12993-2 of the General Code, a child may be employed in irregular service not forbidden by sections 13001, 13002 or 13003 of the General Code without holding an age and schooling certificate.

Irregular service shall be interpreted to mean service not forbidden by federal child labor laws which (a) does not involve confinement, (b) does not require continuous physical strain, (c) is interrupted with rest or recreation periods and (d) does not require more than four hours of work in any day or twenty-four hours in any week. The health commissioner of the district in which employment is afforded to any child shall determine whether the employment involves confinement or requires continuous physical strain so that it cannot be deemed irregular service within the meaning of this section. (120 v. H. 217. Eff. September 16, 1943.)

Sec. 13003. **(Board shall determine whether particular employment of minors shall be prohibited.)** The state board of health may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination. (103 v. 910.)

Sec. 13007-4. **(Board may determine whether employment of children shall be prohibited in certain occupations.)** The state board of health may, from time to time, after hearing duly had, determine

whether or not any particular trade, process of manufacture or occupation, in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom.

No child under eighteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination. (103 v. 911.) (*)

(*) Provisions of this section suspended until April 1, 1945, See "Temporary Legislation," S. B. 126 and S. B. 280.

Sec. 13031. (**Keeping house of ill-fame or harboring child therein; nuisance.**) Whoever keeps a house or place of ill-fame or assignation for the purpose of prostitution or lewdness, or a house or place for persons to visit for unlawful sexual intercourse or for any other lewd, obscene or indecent purpose, or a disorderly house or place, or a place of public resort by which the peace, comfort or decency of a neighborhood is disturbed, or, as agent or owner, lets a place, building or portion thereof knowing that it is intended to be used for a purpose specified in this section, or, being the owner or agent, of such building or portion thereof, or the keeper of such house of ill-fame, prostitution or assignation where lewdness exists, keeps, harbors or employs a person over four and under sixteen years of age or allows such person to remain in or about such place of assignation or house of ill-fame, or knowingly permits a place, building or portion of a building to be so used, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the workhouse or jail not less than ninety days nor more than six months, or both. The houses, buildings, portions of buildings, and places mentioned in this section are public nuisances, and the court shall order them abated. (R. S. Sec. 7025.)

Sec. 13031-1. (**Pandering defined; penalty.**) Any person who either by threats, or intimidation or by force or violence, or by any deception, device or scheme takes, places, or causes to be taken or placed any female into a house of ill-fame for the purpose of prostitution, or any person who by force, violence, threats, intimidation or deception, or menace or duress takes or detains a female unlawfully with the intent to compel her to marry him or marry any other person or to be defiled; or any person who, being parent, guardian or

having legal charge of the person of a female, consents to her taking or detention by any person for the purpose of prostitution, shall be guilty of pandering, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than two, nor more than twelve years and by a fine not more than five thousand dollars (\$5,000). (103 v. 188.)

Sec. 13031-2. **(Penalty).** Any person who shall place any female in the charge or custody of any person or persons for immoral purposes or in a house of prostitution with the intent that she shall lead a life of prostitution, or any person who shall compel any female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution, or compel her to live a life of prostitution, is guilty of pandering, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one year nor more than ten years and by a fine not more than one thousand dollars. (103 v. 188.)

Sec. 13031-3. **(Penalty).** Any person who shall receive any money or other valuable thing for, or on account of, procuring for, or placing in, a house of prostitution or elsewhere, any female for the purpose of causing her to cohabit with any male person or persons, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than three years nor more than ten years and fined not more than one thousand dollars. (103 v. 188.)

Sec. 13031-4. **(Penalty.)** Any person who places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution or procures her to lead a life of prostitution shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than three years nor more than ten years and fined not more than one thousand dollars. (103 v. 189.)

Sec. 13031-5. **(Penalty.)** Any person or persons who detains or attempts to detain any female in a disorderly house or house of prostitution or keeps or detains the personal effects of any female in any such house, or fails upon demand to deliver to any female her personal effects situated in a disorderly house or house of prostitution, shall be guilty of a felony and on conviction thereof shall be imprisoned in the penitentiary not less than three years nor more than ten years and fined not more than one thousand dollars. (103 v. 189.)

Sec. 13031-6. **(“White slave” traffic; penalty for.)** Any person who shall knowingly transport or cause to be transported, or aids or

assists in obtaining transportation for, by any means of conveyance, through or across this state, any female with the intent or purpose to induce, entice, or compel such female to become a prostitute, or to reside in a disorderly house for the purpose of prostitution, shall be guilty of a felony and upon conviction thereof be imprisoned in the penitentiary not less than three years nor more than ten years. Any persons who shall commit the crime in this section mentioned may be prosecuted, indicted, tried and convicted in any county into or through which he shall have so transported any female as aforesaid. (103 v. 189.)

Sec. 13031-7. (**Witness, competency of.**) Any such female referred to in this act shall be a competent witness in any prosecution under this act to testify to any and all matters, including conversations with the accused or by him with third persons in her presence, notwithstanding her having married the accused either before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution. (101 v. 52.)

Sec. 13031-8. (**Search warrant.**) Any court of competent jurisdiction may, upon affidavit, issue a search warrant to the proper officer, particularly describing the building or place to be searched, the person to be seized, and the things to be searched for, and alleging substantially the offense in relation thereto, for the purpose of securing evidence, in any case of any suspected violation of this act. (101 v. 52.)

Sec. 13031-9. (**Penalty.**) Any person who by force, fraud, intimidation or threats places, or leaves any female of previous chaste life and character in a house of prostitution or house of assignation, or to lead a life of prostitution, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than ten years and fined not more than one thousand dollars. (103 v. 189.)

Sec. 13031-10. (**Search warrant to secure evidence.**) Any court of competent jurisdiction may upon affidavit issue a search warrant for the purpose of securing documentary or other evidence of the violation of this act. (103 v. 189.)

Sec. 13031-11. (**Competent evidence.**) Evidence as to the general reputation of a house as a house of prostitution or assignation shall be competent evidence to prove that it is such a house. (103 v. 189.)

Sec. 13031-12. (**Unconstitutionality of sections.**) The adjudica-

tion by a court of competent jurisdiction of any section of this act or part thereof to be unconstitutional, shall not invalidate any other section or part thereof. (103 v. 189.)

Sec. 13031-13. (**Keeping, maintaining, occupying, permitting, etc., a place for prostitution, prohibited.**) From and after the passage of this act it shall be unlawful to keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation; or to occupy any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation or for any person to permit any place, structure, building or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose; or to receive or to offer or agree to receive any person into any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation or to permit any person to remain there for such purpose; or to direct, take or transport, or to offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation; or to procure or to solicit or to offer to procure or solicit for the purpose of prostitution, lewdness or assignation; or to reside in, enter or remain in any place, structure or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness or assignation; or to engage in prostitution, lewdness or assignation or to aid or abet prostitution, lewdness or assignation by any means whatsoever. (108 v. Pt. 1, 730.)

Sec. 13031-14. (**Terms "prostitution," "lewdness" and "assignation" defined.**) The term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire, and, shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. The term "lewdness" shall be construed to include any indecent or obscene act. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement. (108 v. Pt. 1, 731.)

Sec. 13031-15. (**Prior conviction and testimony admissible evidence.**) In the trial of any person, charged with a violation of any of the provisions of section 13031-13 of the General Code, testimony of a prior conviction, or testimony concerning the reputation of any

place, structure or building and of the person or persons who reside in or frequent the same and of the defendant shall be admissible in evidence in support of the charge. (108 v. Pt. 1, 731.)

Sec. 13031-16. **(First and second degree guilt, defined.)** Whoever shall be found to have committed two or more violations of any of the provisions of section 13031-13 of the General Code within a period of one year next preceding the date named in an indictment, information or charge of violating any of the provisions of section 13031-13 of the General Code, shall be deemed guilty in the first degree. Whoever shall be found to have committed a single violation of any of the provisions of this act shall be deemed guilty in the second degree. (108 v. Pt. 1, 731.)

Sec. 13031-17. (a) **(Penalty for guilt in first degree.)**

Whoever shall be found guilty in the first degree, as set forth in section 13031-16, shall be subject to imprisonment in, or commitment to, any state penal or reformatory institution for not less than one nor more than three years; provided, that in case of a commitment to a reformatory institution the commitment shall be made for an indeterminate period of time of not less than one nor more than three years in duration, and the pardon and parole commission shall have authority to discharge or to place on parole any person so committed after the service of the minimum term, or any part thereof, and to require the return to the said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

(b) **(Penalty for guilt in second degree.)**

Whoever shall be found guilty in the second degree, as set forth in section 13031-16, shall be subject to imprisonment for not more than one year; provided, that the sentence imposed, or any part thereof, may be suspended, and provided further that the defendant may be placed on probation in the care of a probation officer designated by law or theretofore appointed by the court upon the recommendation of five responsible citizens.

(c) **(Medical examination required, when; treatment.)**

Any person charged with a violation of section 13031-13 of the General Code, shall, upon the order of the court having jurisdiction of such case, be subjected to examination to determine if such person is infected with a venereal disease. Such examination shall be made by the physician employed to render medical service to persons confined or detained by the municipality or county, or by some physician designated by the court or by the board of health to make such exami-

nation. Any such person found to have a venereal disease in the infective stage shall receive medical treatment therefor and shall pay for such treatment if able to do so. If not able to pay, such medical treatment shall be at the expense of the municipality or county. No person charged with a violation of section 13031-13 of the General Code shall be discharged from custody, paroled or placed on probation if he or she has a venereal disease in an infective stage unless the court having jurisdiction shall be assured that such person will continue medical treatment until cured or rendered non-infectious.

(d) **(Woman probation officer.)**

No girl or woman who shall be convicted under this act shall be placed on probation or on parole in the care or charge of any person except a woman probation officer. (118 v. 301.)

Sec. 13031-18. **(Any provision held void shall not affect others.)**

The declaration by the courts of any of the provisions of this act as being in violation of the constitution of this state shall not invalidate the remaining provisions. (108 v. Pt. 1, 732.)

Sec. 13364. **(Selling diseased animals, allowing them at large or with other animals.)** Whoever, being the owner or having charge of a horse, mare, foal, filly, jack, mule, sheep, goat, cow, steer, bull, heifer, or an ass, ox, or swine, knowing it to have an infectious or contagious disease, other than foot-rot or scab in sheep, or to have been recently exposed thereto, sells, barter or disposes of it without first disclosing to the person to whom it was sold, bartered or disposed of that it is so diseased or has been so exposed, or knowingly permits it to run at large, or, knowing such animal to be so diseased, permits it to come in contact with such animal of another without his knowledge or permission, shall be fined not less than twenty dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. (R. S. Sec. 6855.)

Sec. 13365. **(Selling or permitting diseased sheep at large.)**

Whoever, owning or having charge of a sheep affected with foot-rot or scab, permits it to run upon a highway, common or uninclosed ground or sells it, having reason to believe it is so diseased, without disclosing the fact to the purchaser, shall be fined not more than one hundred dollars and be liable for all damages sustained thereby. (85 v. 336.)

Sec. 13373. **(Transporting a hog with cholera.)** Whoever transports a hog within this state, infected with cholera, shall be fined not more than five hundred dollars or imprisoned in jail not more than six months, or both, and be liable for all damages resulting from

such disease thereby. This section shall not affect common carriers or their employes. (92 v. 388.)

Sec. 13374. (**Importing cattle with "Spanish fever."**) Whoever, except common carriers not the owners of cattle transported by them, brings into this state cattle infected with the disease commonly known as the "Texas fever" or "Spanish fever" or cattle liable to infect others therewith, shall be fined not less than fifty dollars nor more than five hundred dollars. (R. S. Sec. 7003.)

Sec. 13376. (**Failure to treat animals properly; penalty; disposition of fines.**) Whoever overworks, overdrives, overloads, tortures, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates or kills, or impounds or confines an animal and fails to supply it during such confinement with a sufficient quantity of good, wholesome food and water, or carries or conveys it in a cruel or inhuman manner or keeps cows or other animals in an enclosure without wholesome exercise and change of air, or feeds cows on food that produces impure or unwholesome milk, or abandons to die an old, maimed, sick, infirm or diseased animal or works it, or being a person or corporation engaged in transporting live stock, detains such stock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, or permits such stock to be so crowded as to overlie, crush, wound or kill each other, shall be fined not less than two dollars nor more than two hundred dollars for the first offense, and for each subsequent offense such person shall be fined not less than ten dollars nor more than two hundred dollars or imprisoned not more than sixty days or both. Provided, that upon the written request of the owner or person in custody of any particular shipment of live stock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such live stock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. Nothing herein shall prevent the dehorning of cattle. All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there be such in the county, township, village or city where such violation occurred. (109 v. 152.)

Sec. 13391-I. (**Mutilation or destruction of a dead human body.**) Any person, not being lawfully authorized so to do, who shall mutilate or destroy any portion of the dead body of any person shall be guilty of a felony, punishable by imprisonment in the state penitentiary not more than ten years, or by fine of not more than ten thousand dollars. (120 v. S. 46. Eff. July 26, 1943.)

TEMPORARY LEGISLATION

SUBMISSION OF QUESTION OF ADDITIONAL TAX LEVY

(Am. S. B. No. 69)

AN ACT: To provide for submitting the question of levying additional taxes to the electors of a subdivision at a special or primary election in the years 1943 and 1944, to authorize the making of such levy, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. **(Submission of question of additional tax levy; special election; procedure; anticipation notes; definitions.)** At any time prior to the thirty-first day of December, 1944, the taxing authority of any subdivision, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes which may be raised within the ten mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the purposes in section 5625-15 of the General Code, or to supplement general fund appropriations for one or more of the following purposes: relief, welfare, hospitalization, health, and support of general or tuberculosis hospitals, and that the question of such additional tax levy shall be submitted to the electors of the subdivision at a special or primary election to be held at a time therein specified, however no more than one such special election shall be held in any one year. Such resolution shall conform to the requirements of section 5625-15 of the General Code, excepting that such levy may not be for a longer period than two years and such resolution shall specify the date of holding such special or primary election, which shall not be earlier than twenty-five days after the adoption and certification of such resolution nor later than one hundred and twenty days thereafter. Said resolution shall go into immediate effect upon its passage and no publication of the same shall be necessary other than that provided for in the notice of election. A copy of such resolution shall, immediately after its passage, be certified to the board of elections of the proper county or counties in the manner provided by section 5625-17 of the General Code, and the provisions of said section shall govern the arrangements for the submission of such question and

other matters and things with respect to such election, to which said section 5625-17 of the General Code refers, excepting that such election shall be held on the date specified in the resolution, provided, however, that no special election shall be held during the ten days preceding Easter Sunday, Thanksgiving day or Christmas day in any year. Publication of notice of such election shall be required to be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks. If the majority of the electors voting on the question so submitted vote in favor of such levy, in case such levy is for school district purposes, or if sixty-five per centum of the electors voting on a proposal submitted by any other subdivision vote in favor thereof, the taxing authority of the subdivision may forthwith make the necessary levy within such subdivision at the additional rate or at any lesser rate outside the ten mill limitation on the tax list for the purpose stated in the resolution, and in such event the levy shall be certified in the manner provided by section 5625-17a of the General Code, and may be extended on the current tax list duplicate for collection, with the taxes for the first half or the second half of the fiscal year in which it was voted, or both, and in all years after the first year the tax levy shall be included in the annual tax budget that is certified to the county budget commission.

After the approval of such levy vote and in the fiscal year prior to that for which the first tax collection from such levy can be made, the taxing authority of the subdivision may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not more than 90 percent of the total estimated proceeds of the levy throughout its life.

Such notes shall be sold as provided in the uniform bond act. In case such anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year of the life of the levy; and if such notes have been issued, the amount necessary to pay the interest and principal as they mature shall be deemed appropriated for such purposes from such levy and appropriations from such levy by the taxing authority shall be limited each year to the balance available in excess of such amount.

All provisions of the General Code in so far as they conflict with the provisions of this act are suspended for the period ending December 31, 1944, otherwise they shall in no manner be impaired by the passage of this act.

The terms "taxing authority" and "subdivision" shall have the meanings assigned to them respectively by section 5625-1 of the General Code.

Section 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for such necessity lies in the fact that it is necessary that opportunity be afforded the political subdivisions of this state to submit questions of levying additional taxes at special elections to be held in 1943 and 1944. Therefore this act shall go into immediate effect.

(Not of a general and permanent nature. Effective April 2, 1943.)

EMPLOYMENT OF FEMALES AND MINORS **(Am. Sub. S. B. No. 126)**

AN ACT: To regulate the hours of employment and the occupations of females and minors in time of war, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. (**Prohibited occupations for women.**) The provisions of sections 1008-1, 1008-2, 1008-2a, 1008-3, the last sentence of subsection 15 of section 1027, the last sentence of the first paragraph of section 12993, sections 12996, 12996-1, 13005, 13007-3 and 13007-4 of the General Code shall not apply to the employment of females and minors for the period during which the provisions of the following sections shall be in effect.

Section 2. The employment of females in the following occupations or capacities is hereby prohibited, to-wit: as metal moulder, bell hop, as workers in mines, quarries, except in the offices thereof, poolrooms, barrooms and saloons or public drinking places which cater to male customers exclusively, or in employments requiring frequent or repeated lifting of weights over thirty-five pounds, or in the personal delivery of messages if the female is under eighteen years of age.

Section 3. Except as hereinafter provided, no employer shall employ a female for more than fifty hours in any one week or ten hours in any one day, or on more than six days in any week.

A female may be employed in more than one place of employment provided the aggregate number of hours such female is employed does not exceed fifty hours in any one week or ten hours in any one day, or on more than six days in any week.

Nothing in this act or in any provision of the act of April 28, 1937, vol. 117 Ohio laws, page 539 shall apply to the employment of females in agricultural field occupations or in domestic service in

private homes or to the employment of females by a communications company, or railroads as defined in section 501 of the General Code, during the periods of emergency caused by fire, flood, war, epidemic, or other public disaster or to the work of females over twenty-one years of age earning at least thirty-five dollars a week in bona fide executive positions, where real supervision and managerial authority are exercised with duties and discretion entirely different from that of regular salaried employees or to the employment of women in the professions of medicine, pharmacy, law, teaching and social work or to the employment of females over twenty-one years of age in mercantile establishments and communications companies except in cities of 5000 population and over; or to the work of professional employees in hospitals, such as graduate and student nurses, anesthesiologists, technicians, graduate and student dietitians and internes; provided, however, that no restrictions as to hours of labor of persons sixteen years of age or over shall apply to canneries or establishments engaged in preparing for use, agricultural or horticultural perishable foods during the growers' harvest season when they are engaged in canning or preserving the farmers' perishable products.

No employer engaged in the furnishing of goods or services to the United States or any instrumentality thereof, or to any contractor or subcontractor so engaged shall employ any female in excess of fifty hours in any one week, or ten hours in any one day, or on more than six days in any week, unless, and then to the extent only, that such excess hours may be necessary to meet production schedules, orders or requirements, the failure to meet which would hinder or obstruct the war effort; and every such employer shall report to the director of industrial relations the facts respecting such excess hours within forty-eight hours thereafter; in case of continuing operation for excess hours such further reports shall be made as the director of industrial relations shall prescribe. If, in the opinion of the director of industrial relations the continuation of employment of such females during such excess hours is unnecessary or is injurious to the health of such females, he shall forthwith certify the facts and his conclusions to the director of health. The director of industrial relations shall keep a complete record of all notices received hereunder and all cases certified by him to the director of health, which record shall be a public record.

If the director of health shall find that the continuation of employment of such females during such excess hours is unnecessary or is injurious to the health of such females he shall order such employer to discontinue such employment in excess of the maximum hours permitted hereunder or make such other less restrictive order

with respect to the time during which such females may be employed, as said director of health shall deem appropriate in the circumstances. Within ten days after receipt of a certified copy of such order any person affected thereby may appeal on questions of law and fact to the common pleas court of the county wherein the place of employment is located. Such appeals shall be advanced for trial and heard at the earliest possible date. Pending the determination of said appeal, said order shall remain in full force and effect. No employer may employ a female in violation of the final order in such proceeding. The director of health shall keep a record of all actions taken by him hereunder which shall be a public record.

No employer shall employ a female for a period of more than five hours of continuous labor unless such period is broken by a meal period of at least one-half hour, and for the purpose of this section no period of less than thirty minutes shall be deemed to interrupt a continuous period of work, provided, however, that in the case of a female employed by a public transportation company to operate street cars, trackless trolleys or motor coaches or in the case of a female employed by a glass manufacturing company such meal period shall be of at least twelve minutes and such period of at least twelve minutes shall be deemed to interrupt any continuous period of work; provided further, that any female exclusively employed in any establishment commonly and commercially known as a gasoline service station, the majority in volume and amount of whose transactions shall consist of retail sales of petroleum products and automobile accessories and the servicing of motor vehicles, may be continuously employed for the daily maximum number of hours permitted under this act without interruption for a meal period.

Notwithstanding the provisions of this section, a female employed by a communications company may be employed more than six days in any period of seven consecutive days but not more than six days in any week.

Section 4. The provisions of section 3 of this act shall not apply to the employment of females by financial institutions as defined by section 5407 of the General Code, including federal reserve banks and home loan banks, during any period of the year that such employers are required to prepare and make a report or reports of their financial conditions to any state department, or to the federal government, or any division, bureau or commission thereof as provided by law. Provided, however, that in such business establishments, during such period or periods females shall not be employed more than six days nor more than fifty hours in any one week.

The provisions of this section shall apply only during such periods of time that an extraordinary condition exists, which said condition is caused by the preparation of reports to any state department or to the federal government, or any division, bureau or commission thereof as provided by law, provided further that the provisions hereof shall apply only to those employees who are actually engaged in making out such reports.

No employer shall employ a female for a period of more than six hours of continuous labor unless such period is broken by a meal period of at least one-half hour and for the purpose of this section no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

It is further provided that the requirement of section 1008 as to a one-hour lunch period shall not apply to female employees of financial institutions as enumerated in this section.

Section 5. Whenever used in this act:

(a) "Employ" includes permit or suffer to work.

(b) "Employer" includes every person, firm, corporation, partnership, stock association, agent, manager, representative, or foreman, or other person having control or custody of any employment, place of employment or of any employee.

(c) "Day" includes a calendar day from midnight to midnight; provided, however, that anything in this section or section 3 of this act to the contrary, at least nine hours must elapse between the end of one day's work and the beginning of the next day's work, except that when the total hours of work during any forty-eight hour period does not exceed sixteen hours, then at least eight hours must elapse between the end of one day's work and the beginning of the next day's work; provided that except as otherwise provided in section 3 the work during any one day does not exceed ten hours and the work during any one calendar week does not exceed fifty hours.

Section 6. No minor under the age of sixteen years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 12993 (1) for more than six days in any one week, (2) nor more than forty-eight hours in any one week, (3) nor more than eight hours in any one day, (4) or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening. No female under the age of eighteen years shall be employed in any such establishment or occupation before the hour of six A. M. or after the hour of 11 P. M. The presence of such minor in any establishment during working hours shall be prima facie evidence of his employment therein. In estimat-

ing such periods the time spent at different employments or under different employers shall be considered as a whole and not separately.

Section 7. No person having charge or management of a telephone, telegraph or messenger office or company shall employ a boy under the age of sixteen years to work as a messenger in connection with such office or company before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day.

Section 8. Amended. See Am. S. B. No. 280.

Section 9. The director of health may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of females, or of minors under eighteen years of age, is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation is sufficiently dangerous to the lives or limbs or injurious to the health or morals of females, or of minors under eighteen years of age, to justify their exclusion therefrom.

No female, or minor under eighteen years of age, shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such females or minors. There shall be a right of appeal to the common pleas court from any such determination.

Section 10. Employment of females or minors in violation of any of the provisions of this act shall be punished as provided in section 1011 of the General Code. All prosecutions hereunder shall be commenced upon affidavit of the director of industrial relations.

Section 11. The provisions of this act shall cease to be in effect and shall terminate on the first day of April, 1945, or on such earlier date as the governor shall by proclamation determine to be the end of the emergency created by the present war.

Section 12. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the state of Ohio. The reason for this emergency is that this legislation is necessary for the effective prosecution of the war. Therefore this act shall go into immediate effect.

(Not of a general and permanent nature. Eff. May 14, 1943.)

EMPLOYMENT OF FEMALES AND MINORS

(Am. S. B. No. 280)

AN ACT: To amend section 8 of Am. Sub. S. B. No. 126, passed May 12, 1943, approved May 15, 1943, and filed in the office of the secretary of state May 15, 1943, relative to the employment of females and minors, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. That section 8 of Am. Sub. S. B. No. 126, passed May 12, 1943, approved May 15, 1943, and filed in the office of the secretary of state May 15, 1943, be amended to read as follows:

Section 8. No child under the age of eighteen years shall be employed, permitted or suffered to work (1) in, about or in connection with blast furnaces, docks, or wharves; (2) in the outside erection and repair of electric wires; (3) in the running or management of elevators, lifts or hoisting machines or dynamos; (4) in oiling or cleaning machinery in motion; (5) in the operation of emory wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured; (6) at switch tending; (7) gate tending; (8) track repairing; (9) or as brakemen, firemen, engineers, motormen or conductors upon railroads; (10) or as railroad telegraph operators; (11) as pilots, firemen or engineers upon boats and vessels; (12) or in or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored; (13) or in the manufacture of white or yellow phosphorus or phosphorous matches; (14) or in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (15) or in any hotel, theatre, concert hall, place of amusement, or other establishment where intoxicating liquors are sold for consumption on the premises, or where sale of intoxicating liquors is the primary business (this provision 15 shall be carried out in conformity with section 6064-22 of the General Code); (16) nor any child under the age of sixteen years in any theatre or other place of amusement except on the stage thereof when not otherwise prohibited by law.

Section 2. That existing section 8 of Am. Sub. S. B. No. 126, passed May 12, 1943, approved May 15, 1943, and filed in the office of the secretary of state May 15, 1943, is hereby repealed.

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for such necessity lies in the fact

that this legislation is necessary for the correction of an omission in Am. Sub. S. B. No. 126, passed May 12, 1943, approved May 15, 1943, and filed in the office of the secretary of state May 15, 1943. Therefore this act shall go into immediate effect.

(Not of a general and permanent nature. Eff. June 8, 1943.)

INDEX

Part I GENERAL CODE SECTIONS

(References are to Section numbers)

Abatement—See “Nuisance”	
Adhesive Stamps	
For bedding tags and labels.....	1038-27
Adjutant-General	
Information concerning deceased veterans.....	1261-50
Administrative Code	
Definition of terms.....	154-2
Department created.....	154-3
Powers of governor.....	154-1
Administrative Procedure Act	
Adoption of rules by state agencies.....	154-63
Appeal on denial or revocation of license.....	154-73
Appeal to common pleas court.....	154-72
Attorney-general to represent state agencies.....	154-71
Definitions	154-62
Effective date of rules.....	154-64
Emergency rules	154-64
Examination, admission to.....	154-67
Hearings, how conducted.....	154-70
License, issuance, renewal or denial of.....	154-67
Provisions of, applies to bedding law.....	1038-35
Publication of laws and rules.....	154-66
Revocation of barbers license.....	1081-21
Revocation of beauty shop license.....	1082-20
Validity of rules.....	154-65
Adoption	
Appointment of next friend.....	10512-12
Certification of birth issued.....	1261-55
Content of petition.....	10512-11
Consents required.....	10512-14
Decree of, filed with department of health.....	1261-55
Definition of code terms.....	10512-9
Disposition of child, if petition dismissed.....	10512-21
Examination of petitioner.....	10512-18
Final decree.....	10512-20
Hearing of petition.....	10512-12
Interlocutory order.....	10512-18
Investigation by next friend.....	10512-13

ADOPTION—Continued.

Legal rights of adopted child and adopting parents.....	10512-23
Notice to parent required.....	10512-15
Original birth certificate, not public record.....	1261-55
Petition for leave to adopt.....	10512-10
Placement in foster home.....	10512-16
Readoption procedure.....	10512-17
Record of proceedings in probate court.....	10512-22
Revocation of interlocutory order.....	10512-20
Visits and report by next friend.....	10512-19

Advisory Boards

Directors of departments may appoint.....	154-15
---	--------

Age and Schooling Certificate—See "Schools"

Agency

Attorney-general to represent.....	154-71
Definition of.....	154-62
Effect of appeal.....	154-72
Examinations, admission to.....	154-67
Hearings, notice of.....	154-68
May administer oath or affirmation.....	154-70
May appoint referee or examiner.....	154-70
Order, how served.....	154-70
Order may be appealed.....	154-72
Rules may be appealed.....	154-72

Agreements

For poor relief.....	3391-1
----------------------	--------

Animals

Appraisal of infected.....	1114
Certificate to practice veterinary medicine.....	1177-16e
Contagious or infectious disease to be reported.....	1112

Dead

License to dispose of.....	1177-60
Revocation of license to dispose of.....	1177-74
Transportation of.....	1177-67
Who engaged in business of disposal.....	1177-61
Depositing dead, upon land or in water; penalty.....	12649
Disposal of, dead from contagious disease; penalty.....	12780
Disposition of infected.....	1114

Dogs

Animal shelter.....	5652-8
Appointment of dog warden.....	5652-7
Care of impounded.....	5652-8
Certificate and tag valid during year of issue.....	5652-5
Claims for loss of animals.....	5840 et seq
Confinement of females.....	5652-14a
Costs, assessed against owner.....	5652-10
Definition of "kennel".....	5652-1a
Disposal of.....	5652-9
Disposition of surplus dog and kennel fund.....	5653
Dog and kennel fund.....	5652-12, 5652-13
Duties of dog warden and deputies.....	5652-7
Duty of county auditor.....	5652-3

ANIMALS; DOGS—Continued.

Fees for registration.....	5652
Housing and feeding.....	5652-9
Humane society may provide animal shelter.....	5652-8
Impounding	5652-7
Increase of license fees.....	5652-7a
Loss or injury to animals by.....	5840
Metal tags to be issued and worn.....	5652-4, 5652-6
Owner liable for damages.....	5838
Owner to make application for registration.....	5652-2
Penalty for failure of dog warden to perform duties.....	5652-14b
Penalty for failure to file application.....	5652-14
Penalty for not registering.....	5652
Penalty for stealing registered.....	5652-7
Penalty for wearing fictitious or altered tag.....	5652-15
Proof of loss required.....	5841
Quarantine for rabies.....	5652-16
Redeeming	5652-11
Registration of.....	5652
Registration of kennel.....	5652-1
Reimbursement of person injured by rabid dog.....	5851
Transfer of ownership certificate.....	5652-7c
When considered property.....	5837
When may be declared a nuisance.....	5839
When may be killed.....	5838
Expense of quarantine, how paid.....	1113
Failure to treat properly; penalty.....	13376
Feeding unwholesome offal or flesh to; penalty.....	12779
Importing cattle with Spanish fever; penalty.....	13374
Inspection and treatment, in stockyards.....	1177-77
Municipal corporation may impound.....	3633
Permitting diseased, to run at large; penalty.....	13364
Permitting sheep with foot-rot to run at large; penalty.....	13365
Preparation of carcass for storage.....	1155-10
Putting dead, in canal; penalty.....	12783
Quarantine of diseased.....	1112
Selling diseased carcass of; penalty.....	13364
Stockyard sanitation.....	1177-76
Township trustees to dispose of, dead from contagious disease.....	12781
Transporting hog with cholera; penalty.....	13373
Transportation of sick or dead.....	1177-67
Annual Report	
Director of health to make and distribute.....	1236-1
Anthrax	
Description of, as occupational disease.....	1465-68a
Antitoxin	
Diphtheria, shall be provided.....	1261-29
Apartment Houses	
Licensed on request.....	843-3
Appeal	
Definition of.....	154-62
Denial or revocation of license.....	154-73

APPEAL—Continued.

Orders of director of health.....	1258-3
Orders of state agencies may be appealed.....	154-72
Procedure, from orders of director of health.....	1257
Rules of state agencies may be appealed.....	154-72
Appraisers	
Infected animals.....	1114
Appropriation of Property	
Authority of municipal corporation; purposes.....	3677
Municipalities may appropriate land outside.....	3678
Procedure by municipal corporation.....	3679
Arsenic Poisoning	
Description of, as occupational disease.....	1465-68a
Assessments	
Special, in municipalities.....	3812
Assignment—See also “Nuisance”; “Prostitution”	
Abatement and injunction, as related to place of.....	6212 et seq
Place where conducted, defined as a nuisance.....	6212-1
Assignment House	
License not to be issued to hotel used as.....	843-3
Assistant Director	
Appointment of.....	154-7
Duties of.....	154-8
Office created.....	154-5
Asylums	
Inspection by department of industrial relations.....	1031
Attorney-General	
Action to abate certain nuisances.....	6212-3
Member, retirement board.....	486-34
Prosecution of actions for industrial commission.....	1465-100
To represent state agencies.....	154-71
Auctioneering	
Municipal corporation may regulate.....	3634
Auditor of State	
Member, retirement board.....	486-34
Bakery	
Definition of.....	1090-22
Employment of person with communicable disease, prohibited.....	1090-28
Height, sidewalls, etc.....	1014
Ingredients, to be labeled.....	1090-34
Insanitary condition in; penalty.....	12797
May be located in basement.....	1012
Physical examination of employees.....	1090-29
Plumbing and ventilation of.....	1012
Protection against contamination of products.....	1090-32
Room for wearing apparel.....	1090-25
Rooms to be painted.....	1014
Sanitation of.....	1014, 1090-30
Show cases.....	1090-31
Sitting on tables, etc., prohibited.....	1090-27
Sleeping places, prohibited.....	1016
Specifications for construction.....	1090-24

BAKERY—Continued.

Standards prescribed.....	1090-23
Storage of manufactured products.....	1015
Storing and handling of products.....	1090-33
Washing of hands, etc., required.....	1090-27
Wash room apart from.....	1013
Barber Shop	
Unlawful practices in.....	1081-21
Baths	
Council may maintain and operate public.....	4065-1
Municipal corporation may provide and regulate.....	3648
Beauty Shop	
Revocation of license.....	1082-20
Bed	
Prohibited in cook room of hotel or restaurant.....	843-14
Bedding—See also "Bedding Advisory Board"	
Adhesive stamps for sale by department of industrial relations	1038-27
Adhesive stamps to be attached to.....	1038-27
Administration of law.....	1038-27
Administrative procedure act applies.....	1038-35
Advisory board created.....	1038-31
Advisory board selects laboratories.....	1038-29
Application for registration.....	1038-27
Communicable disease.....	1038-32
Constitutionality	1038-38
Definition of terms.....	1038-25
Effective date of law.....	1038-36
Excess funds, transferred to general revenue fund.....	1038-27
Fees and charges for laboratory service.....	1038-29
Fumigation of, in hotels and rooming houses.....	843-13
Information on tag or label.....	1038-26
In hotels.....	843-11
Inspectors	
Appointment of.....	1038-28
Duties of.....	1038-28
Qualifications of.....	1038-28
Reports	1038-28
Salaries of.....	1038-28
Use of approved laboratories.....	1038-29
Laboratories to test material.....	1038-29
Material, how designated.....	1038-26
Material, prohibited.....	1038-32
Moneys received to be paid into state treasury.....	1038-27
Penalty for violation of act.....	1038-33
Prosecutions	1038-34
Registration number may be revoked, etc.....	1038-30
Registration of manufacturers.....	1038-27
Repeal of "mattress law".....	1038-37
Reprocessed material.....	1038-26
Secondhand material.....	1038-26
Size of tag or label.....	1038-26
Tag or label to be attached.....	1038-26

Bedding Advisory Board	
Approval of laboratories.....	1038-29
Membership of.....	1038-31
Powers and duties.....	1038-31
Qualifications of members.....	1038-31
Rules and regulations.....	1038-31
Variation of rules.....	1038-31
Benevolent Institution—See also “Public Institution”	
Disposal of dead bodies.....	3496
Inspection by health commissioner.....	1261-31
Physical examination of inmates.....	1261-31
Bense Act.....	1249
Benzine Poisoning	
Description of, as occupational disease.....	1465-68a
Benzol Poisoning	
Description of, as occupational disease.....	1465-68a
Birth—See “Vital Statistics”	
Birth Record	
How established, when unrecorded, lost or destroyed.....	1261-57
Boarding Home—See “Rest Home”	
Board of Education—See also “Schools”	
Cooperation with board of health in school inspection.....	4838-9
May appoint school physician, dentist and nurse.....	4838-6
May delegate school inspection to board of health.....	4838-6
May provide lunch rooms in school buildings.....	4839-6
May provide schools for tubercular pupils.....	4836-6
May require vaccination and immunization of pupils.....	4838-5
Member, cannot be appointed school physician, dentist or nurse	4838-7
Nuisance on school property.....	4424
Transportation of crippled children.....	4855
Board of Health	
Admission to prisons, etc., of persons suffering from communicable disease.....	4441
Annual and special reports.....	4476
Approval, location of sanitary dumps.....	3282
City Health District	
Abatement of nuisances.....	4420, 4421
Administration in charter city.....	4404
Appointment of health commissioner and other employes.....	4408
Appointment of health commissioner, when board not established	4405
Appointment of public health nurses.....	4411
Appointment of sanitary officers.....	4411
Bond issue for communicable disease hospital.....	4453
City auditor is auditor of district.....	1261-38
City treasurer is custodian of health funds.....	1261-38
Control of communicable disease hospital.....	4454
Council may erect and maintain hospital for communicable disease	4452
Council may furnish quarters.....	1261-36

BOARD OF HEALTH; CITY HEALTH DISTRICT—Continued.

Council shall establish.....	4404
Council shall provide for expenses of.....	4451
Disposal, contents of vaults and catch basins.....	12651
Duties of secretary.....	4409
Emergency regulations.....	4413
Expenses, how paid.....	1261-38
Fines and costs, how paid.....	4418
Forms to be prescribed by director of health.....	4409
May establish clinics and detention hospitals.....	1261-22
May establish infant welfare stations.....	1261-22
May establish prenatal clinics.....	1261-22
Mayor shall be president.....	4404
Medical care of sick poor.....	4410
Meetings	4406
Member of, cannot be appointed health commissioner.....	4411-1
Members, how appointed.....	4404
Members, to serve without compensation.....	4404
Nuisance on school property.....	4424
Orders and regulations, how adopted.....	4413
Penalty for violation of orders or regulations.....	4414
President pro tem.....	4406
Procedure in abatement of nuisance.....	4421-4423
Procedure in prosecutions.....	4417
Prosecutions, how instituted.....	4416
Quarantine of transportation facilities.....	4425
Records to be kept.....	4409
Registration of vital statistics.....	4419
Regulation of sanitary conveniences, exception.....	4420, 4421
Salaries of employes.....	4411-1
Terms of office of members.....	4406
Violation of orders or regulation by a corporation.....	4415
Civil service for city health districts.....	486-19
Communicable disease, dairyman to report.....	4460
Communicable disease, in public institution.....	4442
Communicable disease, to be reported by.....	1243
Compensation for property destroyed.....	4435
Complaint of impure water supply.....	1252
Complaint of stream pollution.....	1249
Contract for laboratory service.....	4438
County of legal settlement to pay for indigent quarantined.....	1261-27
Delegate to annual conference.....	1245
Destruction of infected property.....	4434
Detention hospital for communicable disease.....	1261-33
Detention of mental case without warrant.....	1890-26
Disinfecting apparatus and supplies.....	4433
Disinfection after recovery from communicable disease.....	4432
Disinfection following tuberculosis.....	4433
Disinfection or destruction of infected property.....	4457
Disposal of bodies dead from communicable disease.....	4440
District, to have same powers and duties as municipal board.....	1261-30

BOARD OF HEALTH; CITY HEALTH DISTRICT—Continued.

Duties

Enforce rules and regulations of state department of health	1238
Free treatment of venereal disease.....	1261-26
Inspection and abatement of nuisances.....	1261-26
Inspection of dairies, stores, restaurants, etc.....	1261-26
Inspection of food.....	1261-26
Inspection of schools, public institutions, etc.....	1261-26
Medical and dental supervision of school children.....	1261-26
Study and record communicable diseases.....	1261-26
Restriction on medical supervision of school children.....	1261-26
Effect of quarantine on common carriers.....	4445
Enforcement of law governing sale of "soaked" goods.....	12778
Enforce orders for drainage.....	3656
Examination of pupils, etc., when school physician not appointed	4838-10
Exclusive control of municipal quarantine hospital.....	4456
Exemption from medical examination in schools.....	4838-10
Expense of quarantine, how paid.....	4436
Expense of quarantine of county public institution.....	4439

Food

Appointment of inspectors.....	4458
Duty of dairy inspector.....	4461
Inspection of dairies.....	4459
Inspection of slaughter houses.....	4459
Orders to prevent sale of impure milk.....	4460
Permits to sell meat or milk.....	4459
Record of meat and milk dealers.....	4459
Test of dairy products.....	4462

General Health District

Abatement of nuisances.....	4420, 4421
Appointment of health commissioner.....	1261-19
Appointment of members.....	1261-18
Appointment of nurse, clerk, etc.....	1261-22
Cooperation with boards of education in school inspection.....	4838-9
County auditor is auditor of district.....	1261-38
County commissioners may furnish quarters.....	1261-36
County treasurer is custodian of health funds.....	1261-38
Creation of.....	1261-17
Disposal, contents of vaults and catch basins.....	12651
Distribution of members.....	1261-18
Expenses, how paid.....	1261-38
Fines and costs, how paid.....	4418
General duties of health commissioner.....	1261-19
May establish clinics and detention hospitals.....	1261-22
May establish infant welfare stations.....	1261-22
May establish prenatal clinics.....	1261-22
Notice of appointment of health commissioner to director of health	1261-19
Nuisance on school property.....	4424
Orders and regulations, how adopted.....	1261-42
Organization	1261-19

BOARD OF HEALTH; GENERAL HEALTH DISTRICT—Continued.

Penalty for violation of orders or regulations.....	4414
Per diem of members.....	1261-17
Procedure in abatement of nuisance.....	4421-4423
Procedure in prosecutions.....	4417
Procedure regarding tax budget.....	5623-20
Prosecuting attorney, legal advisor.....	1261-37
Prosecutions, how instituted.....	4416
Qualifications of health commissioner.....	1261-19
Quarantine of transportation facilities.....	4425
Removal of employees.....	1261-22
Report to district advisory council.....	1261-18
Vacancies, how filled.....	1261-17
Violation of orders or regulations by corporation.....	4415
Guards to enforce quarantine.....	4431
Ice for domestic use.....	4464
Inmates of quarantined house not to attend school.....	4437
Inspection of hospitals, homes, etc.....	2497
Inspection of school children may be delegated to.....	4838-6
Inspection of schools semi-annually.....	4448
Maternity Hospital	
Adoptions to be reported to.....	6267
Application for license to be approved by.....	6259
Births to be reported to.....	6265
Coroner to investigate, when death certificate not filed.....	6269
Deaths to be reported to.....	6268
Inspection by.....	6262, 6271
Notice of revocation of license.....	6264
Secrecy of records.....	6274
May be removed by public health council.....	1261-25
May close schools, when.....	4448
May declare diseases quarantinable.....	4429
May employ scavengers.....	4463
May erect temporary buildings or field hospitals.....	4457
May establish laboratory.....	1261-27
May hospitalize cases of tuberculosis, when menace to public.....	3139-20
May prohibit public gatherings.....	4448
May prohibit sale of ice for domestic use.....	4465
May provide vaccination for smallpox.....	4449
May seize building for hospital purposes.....	4456
Medical care of quarantined persons.....	4436
Monthly report of deaths to election board.....	4785-46
Municipality or township of legal settlement to pay for in-	
dents quarantined.....	4438-1
Pays cost of disinfection.....	4433
Permit to leave quarantined house.....	4430
Permit to sell ice for domestic use.....	4464
Powers, duties, procedure, penalties.....	1261-30
Procedure to effect quarantine.....	4429
Quarantine because of prevalence of rabies.....	5652-16
Quarantine regulations affecting common carriers.....	4447
Quarantine regulations to be enforced.....	4430

BOARD OF HEALTH; GENERAL HEALTH DISTRICT—Continued.

Recommendation of necessity for sanitary plant.....	4468
Removal of infected person from public institution.....	4444
Right of visitation, municipal public institutions.....	4665
Shall provide antitoxin for diphtheria.....	1261-29
State subsidy for health districts.....	1261-39
Support of quarantined persons.....	4436
Taxing authority may borrow money to control epidemics.....	2293-7
Veneral Disease	
Clinics for treatment of.....	1261-28
Duty to enforce regulations.....	1261-28
Free treatment of cases of.....	1261-28
Quarantine of carriers.....	1261-28
Warrant for detention of mental case.....	1890-24
Who may be removed to quarantine hospital.....	4455
Board of Trustees—See "Tuberculosis Hospitals"	
Boards (State)	
Rights, powers and duties transferred.....	154-24
Bolster—See "Bedding"	
Bond	
Filed with secretary of state.....	154-14
For officers of state departments.....	154-14
State inspector of plumbing.....	1261-7
Branch Locker Plant	
Definition	1155-20
Brass Poisoning	
Description of, as occupational disease.....	1465-68a
Buckeye Lake	
Designated as "state park".....	469
Budget	
Apportionment, by auditor.....	1261-40
Certification by county auditor.....	5625-20
Certification to county auditor.....	1261-40
Duty of board of health to estimate needs.....	1261-40
Duty of budget commissioners.....	1261-40
General health district.....	1261-40
Procedure regarding making of, in general health district.....	5625-20
Procedure, when district composed of two counties.....	1261-40
Subsidy, deducted before apportionment.....	1261-40
Building Code	
Provisions of, apply to hotels and restaurants.....	843-9
Building Department	
Regulation of sanitary conveniences in cities.....	4420
Building Inspector	
Appointment, by county commissioners.....	2481
In classified civil service.....	2481
Buildings	
County regulations to be published.....	2482
Municipal corporation may regulate erection of.....	3636
Municipal corporation may regulate use and sanitation of.....	3639
Regulations for unincorporated communities.....	2480
Unlawful construction, may be enjoined.....	2483
Used in manufacture of soft drinks.....	1089-13

Bureau of the Census

Standard certificate of birth.....	1261-52
Standard certificate of death.....	1261-61
Standard certificate of stillbirth.....	1261-58

Bureau, Prevention of Industrial Accidents

Contributions for support of.....	1465-89a
Creation of	1465-89a
Duties of	1465-89a
Superintendent, experts, etc.....	1465-89a

Burial

Persons dead from communicable disease.....	4440
---	------

Burial Grounds—See also "Cemetery"

Abandonment of	3465
Abandonment of municipal.....	3472
Disinterment of bodies.....	3467
May sell at public sale.....	3466
Procedure, where order to abandon not obeyed.....	3473
Transfer to township trustees.....	3471

Burial Permit—See "Vital Statistics"

Burners

Giving off obnoxious gases prohibited; penalty.....	12798-6
---	---------

Butter—See "Dairy Products"

By-law—See "Ordinance"

Canal

Putting dead animal in; penalty.....	12783
--------------------------------------	-------

Candy

Manufacture and sale of adulterated; penalty.....	12762
---	-------

Cannery

Cleaning of utensils and equipment.....	1090-14
Disposal of wastes.....	1090-8
Employment of person with communicable disease, prohibited.....	1090-12
Fruits to be washed.....	1090-15
Garments for workers.....	1090-13
Insanitary condition in; penalty.....	12797
Keeping live stock near.....	1090-7
Located in sanitary place.....	1090-5
Preparation of syrup and brine.....	1090-16
Removal of garbage, etc.....	1090-6
Sanitation of	1090-8
Screens for	1090-9
Smoking in	1090-11
Spitting on floor.....	1090-11
Sterilization of containers.....	1090-14
Toilet rooms for both sexes.....	1090-9
Ventilation and light.....	1090-8
Wash rooms, lavatories, etc.....	1090-10
Water supply of.....	1090-16

Carbon Bisulphide Poisoning

Description of, as occupational disease.....	1465-68a
--	----------

Carbon Dioxide Poisoning

Description of, as occupational disease.....	1465-68a
--	----------

Catch Basins	
How contents to be disposed of.....	12650
Cemetery—See also "Burial Grounds"	
Abandonment of municipal.....	3472
Appropriation of land by municipality.....	3678
Council may pass ordinance regulating.....	4155
Disinterment of bodies.....	3467
Municipal corporation may provide.....	3622
Municipality may provide, outside of limits.....	4154
Procedure, where order to abandon not obeyed.....	3473
Transfer to township trustees.....	3471
Certification of Birth	
For adopted child.....	1261-55
How and when issued.....	1261-66
Certified Copy	
Original certificates of birth or death.....	1261-66
Cesspools	
Regulation by board of health or building department.....	4420, 4421
Chancroid—See "Venereal Disease"	
Charitable Institutions	
Inspection by health commissioner.....	1261-31
Physical examination of inmates.....	1261-31
Cheese—See also "Dairy Products"	
Definition	12736
Direct sales to consumers.....	12746-1
Erasing or cancelling label on skimmed or filled; penalty.....	12748
Imitation, to be sold in wrapper bearing true name; penalty	12747
Posting placard, where imitation sold; penalty.....	12739
Selling imitation or substitute; penalty.....	12737
Skimmed, must be so labeled; penalty.....	12746
Child—See also "Adoption"; "Minor"; "Vital Statistics"	
Birth record of founding.....	1261-53
Decree of adoption filed with department of health.....	1261-55
Supplemental report of name.....	1261-54
Children's Home	
Communicable disease in.....	2543
Inspection by board of health.....	1261-26
Inspection by department of industrial relations.....	1031
Inspection by health commissioner.....	1261-31
Physical examination of inmates.....	1261-31
Cholera—See also "Communicable Disease"	
Cases to be quarantined.....	4429
Cases to be reported.....	4427
Control of, in public institution.....	4442
Disposal of body, dead from.....	4440
Chrome Ulceration	
Description of, as occupational disease.....	1465-68a
Churches	
Inspection by department of industrial relations.....	1031
City—See also "Municipal Corporation"	
Constitutes local relief area.....	3391-1
Primary registration district for vital statistics.....	1261-46

CITY—Continued.

City Auditor

Auditor of city health district.....1261-38

City Health District

Board of Health

Appoints local registrar.....1261-47

May establish clinics and detention hospitals.....1261-22

May establish infant welfare stations.....1261-22

May establish prenatal clinics.....1261-22

May establish trachoma clinics.....1261-22

Public health council may remove members.....1261-25

Civil service for employes.....486-19

Contract with another city for public health service.....1261-20

Creation of1261-16

Department of health to determine adequacy of service.....1261-20

Effect of union with general health district.....1261-20

Employes, members of retirement system.....486-33a

Health Commissioner

Appointment4408

Appointment, when board not established.....4405

Duty of, when appointed by director of health.....4405

Procedure to effect union with general health district.....1261-20

Public health nurse, appointment of.....4408

Subsidy

Certification by board of health.....1261-39

From state1261-39

Procedure in payment of.....1261-39

When contract for service with another health district....1261-20

Terms of contract for public health services.....1261-20

Union with general health district.....1261-20

Vital statistics, records kept at board of health office.....1261-47

City Officers

Duty to enforce state health regulations.....1238

City Treasurer

Custodian of health funds.....1261-38

Civil Service

Certain offices unclassified.....154-19

County building inspector in classified service.....2481

County welfare employes in classified service.....2511-2

Departments governed by.....154-19

Employes, county department of welfare.....2511-9

For cities486-19

Municipal commission486-19

Public health employes.....486-19

Civil Service Commission

Secretary, member of retirement board.....486-34

Clerk

Appointment, in general health district.....1261-22

Clinics

Board of health may establish.....1261-22

Board of trustees may establish.....3139-16, 3139-19

Coal Mines

Acid mine drainage.....1240-2

Cold Storage

Act does not apply, when.....	1155-16
Definition	1155-1
Enforcement of act.....	1155-17
Fees and fines.....	1155-18
Food, from outside of state.....	1155-15
Food, how marked.....	1155-12
Food, in refrigerated cars.....	1155-16
Food withdrawn, not to be returned.....	1155-14
Length of time food may be kept.....	1155-13

Locker Plant

Definitions	1155-20
Food, not for human consumption.....	1155-25
Inspection of	1155-23
License fee	1155-22
License required	1155-21
Qualifications of inspectors.....	1155-23
Records to be kept.....	1155-26
Refrigeration system	1155-24
Requirements for license	1155-23
Revocation of license.....	1155-27
Rules and regulations.....	1155-27
Penalty for violation of act.....	1155-19
Transfer of food to another warehouse.....	1155-14

Cold Storage Warehouse

Date of deposit and removal to be stamped.....	1155-11
Definition	1155-2
Inspection of records.....	1155-9
License for	1155-7
Quarterly report to director of agriculture.....	1155-9
Record of receipts.....	1155-9
Record of withdrawals.....	1155-9
Unwholesome food not to be stored in.....	1155-10
When, may be closed.....	1155-8

Colleges

Inspection by department of industrial relations.....	1031
---	------

Comforter—See "Bedding"

Commercial Cannery—See "Cannery"

Commissioner of Health—See "Director of Health"

Commissions

Rights, powers and duties transferred.....	154-24
--	--------

Common Carrier

Effect of quarantine on.....	4445
Penalty for misstatement relative to quarantine order.....	4446
Protection of freight after infection.....	4457
Quarantine of	4425

Common Pleas Court

Appeal on denial or revocation of license.....	154-73
Approval, creation of sanitary district.....	6602-35
Orders of state agencies may be appealed.....	154-72
Rules adopted by state agencies may be appealed.....	154-72

Communicable Disease

Admission to prisons, etc., of persons suffering from.....	4411
Animals, reports of.....	1112
Bedding used by, prohibited.....	1038-32
Board of health may close schools.....	4448
Board of health may prohibit public gatherings.....	4448
Board of health to have control of hospital.....	4454
Bond issue for hospital.....	4453
Certificate of physician may be required.....	843-6
Compensation for property destroyed.....	4435
Consent to remove body required.....	1261-59
Council may erect and maintain detention hospital.....	4452
County of legal settlement to pay expense.....	4438
Dairyman to report.....	4460
Destruction of infected property.....	4434
Detention hospital for.....	1261-33
Disinfection of property.....	4432
Disposal of bodies dead from.....	4440
Disposition of, in children's home.....	2543
Duty of board of health.....	1261-26
Duty of health commissioner, when case reported.....	4428
Effect of quarantine on common carriers.....	4445
Emergency action in epidemic.....	1244
Emergency funds for epidemic.....	1261-41
Employes in hotels and restaurants to be free of.....	843-6
Employment in cannery prohibited.....	1090-12
Employment prohibited in bakery.....	1090-28
Examination of bakery employes.....	1090-29
Expense of quarantine, how paid.....	4436
Exposing another person to; penalty.....	12785
Guards to enforce quarantine.....	4431
Immunization of pupils in public schools.....	4838-5
Inmates of quarantined house not to attend school.....	4437
In public institution.....	4442
Institution for care of, not to be located near school.....	4838-11
In work camp, procedure.....	4436-1
Medical care of quarantined persons.....	4436
Municipal corporation may protect against.....	3646
Municipality or township of legal settlement to pay for indigents quarantined.....	4438-1
Orders or regulations concerning.....	1237
Permit to leave quarantine.....	4430
Physician to give certificate of recovery from.....	4432
Precautionary measures by physicians.....	4430
Quarantine hospitals for.....	4456
Quarantine of cases.....	4429
Quarantine of county public institution.....	4439
Registrar to give immediate notice of death from.....	1261-49
Regulations affecting common carriers.....	4447
Regulations to control.....	1261-42
Removal of infected person from public institution to hospital.....	4444

COMMUNICABLE DISEASE—Continued.

Reports to department of health.....	1243
Reports to health commissioner.....	4427
Service of teacher or employe having, to be discontinued.....	4838-8
Support of quarantined persons.....	4436
Taxing authority may borrow money.....	2293-7
Temporary buildings for infected persons at public institutions	4443
Temporary buildings or field hospitals.....	4457
Vaccination of pupils in public schools.....	4838-5
Who may be removed to quarantine hospital.....	4455
Compressed Air Illness	
Description of, as occupational disease.....	1465-68a
Condiments	
Adulteration defined	5778
Confectionery	
Adulteration of confections defined.....	5778
Insanitary condition in, penalty.....	12797
Conference	
Annual, of health commissioners.....	1245
Conservancy District	
Contribution to retirement fund.....	486-33f
Department of health to approve plans.....	6828-12
Employees are members of retirement system.....	486-33a
Employees contribution to retirement fund.....	486-33e
Hearing of objections to plan.....	6828-12
Preparation of plan of improvement.....	6828-12
Statement of retirement board.....	486-33g
Constables	
Duty to enforce state health regulations.....	1238
Contagious Disease—See “Communicable Disease”	
Container	
Definition	1155-4
Contract	
Collection and disposal of garbage and refuse.....	3295-1
For union of health districts.....	1261-20
Terms of, for public health services.....	1261-20
Convalescent Home—See “Rest Home”	
Coroner	
Appointment, of acting.....	2829
Consent required to remove body, when.....	1261-59
To investigate deaths in maternity hospitals.....	6269
Vacancy in office, how filled.....	2829
When, to sign certificate of death.....	1261-62
Corporation	
Prosecuted for maintaining nuisance.....	4415, 12657
Corpse—See “Dead Bodies”	
Correctional Institution—See also “Public Institution”	
Refusing entrance of public official, penalty.....	12933
Cosmetologist	
Revocation of license.....	1082-20

Council (Municipal)

Complaint of stream pollution.....	1249
Procedure in union of health districts.....	1261-20
Quarters for board of health.....	1261-36

County

Contribution to retirement fund.....	486-33d, 486-33f
Employees members of retirement system.....	486-33a
Employees retirement contribution.....	486-33e
Statement of retirement board.....	486-33g

County Auditor

Auditor of general health district.....	1261-38
Cost of cutting weeds collected as tax.....	4245-4
Duty to collect delinquent accounts in waste disposal district	3295-7
Enumeration of crippled children.....	4853-9
Registration of dogs.....	5652

County Commissioners

Appointment of dog warden and deputies.....	5652-7
Appropriation, for current expense of tuberculosis hospital.....	3139-5
Appropriation, for maintenance of tuberculosis hospital.....	3139-12
Building regulations for unincorporated communities.....	2480
Building regulations to be published.....	2482
Civil action to recover cost of removal of pauper.....	3483
Complaint of stream pollution.....	1249
Contract for enforcement of building regulations...	2481
County building inspector.....	2481
County local relief area.....	3391-1
County of legal settlement to pay expense of indigents quarantined	4438
Disposition, surplus dog and kennel fund.....	5653
Employment of physician for county home.....	2546
Increase of dog license fee.....	5652-7a
Inspection of hospitals, homes, etc.....	2497
Inspector of nuisances.....	12661
May contract for care of tuberculosis cases.....	3139-18
May designate and set apart county land as playgrounds, etc.....	4065-1
May establish county department of welfare.....	2511-1
May establish tuberculosis hospital.....	3139-11
May lease municipal tuberculosis hospital.....	3139-11
May provide tuberculosis hospital, although in district.....	3139-14
May purchase district tuberculosis hospital.....	3139-15
Medical and hospital service for indigent.....	3484-2
Notice of removal of indigent person.....	3484
Pay for diphtheria antitoxin for indigents.....	2501
Payments from dog and kennel fund.....	5846 et seq
Procedure, in case of injury by rabid dog.....	5852
Quarters for board of health.....	1261-36
Reimbursement of person injured by rabid dog.....	5851
Report of investigation of hospitals, homes, etc.....	2499
Semi-annual visit to institutions.....	2498

COUNTY COMMISSIONERS—Continued.

Sewer District

Appeal from order to install water supply in.....	6602-29
Appeal, when order not acceptable.....	6602-8e
Complaint of insanitary conditions.....	6602-8d
Complaint of unsafe water supply in.....	6602-28
Investigation and finding.....	6602-8d
Order to establish.....	6602-8d
Order to install water supply in.....	6602-28
Procedure, when order not complied with.....	6602-8f
Procedure, where order to install water supply not complied with	6602-30
Prosecution for failure to comply with order.....	6602-8g
Prosecution for failure to install water supply.....	6602-31
To pay expense of removal of pauper.....	3482
Tuberculosis hospital district, how established.....	3139-1
Unlawful construction of buildings may be enjoined.....	2483
Vacancy in office of coroner.....	2829

County Department of Welfare

Advisory board	2511-7
Agreements to administer welfare activities.....	2511-5
Appointment of director.....	2511-1
Appropriation of funds.....	2511-10
Civil service status of employes.....	2511-9
Classified civil service.....	2511-2
Compensation of director.....	2511-3
Duties of advisory board.....	2511-8
Funds transferred to.....	2511-11
How established	2511-1
Powers and duties of department.....	2511-4
Powers and duties of director.....	2511-2
Powers and duties transferred to.....	2511-6, 2511-11
Transfer of records, files, etc.....	2511-11

County Home

Admissions to	2544
Expense of quarantine, how paid.....	4439
Inspection by board of health.....	1261-26
Inspection by health commissioner.....	1261-31
Medical service for.....	2546
Physical examination of inmates.....	1261-31
Removal of tuberculosis cases from.....	3139-21
Superintendent to govern admissions.....	2544
Tuberculosis cases not to be kept in.....	3139-21

County Infirmary—See "County Home"

County Officers

Duty to enforce state health regulations.....	1238
---	------

County Recorder

Information concerning deceased veterans.....	1261-50
---	---------

County Sewer District—See "Sewer District"

County Treasurer

Custodian of health funds.....	1261-38
To pay fees of local registrars.....	1261-51

Cream—See "Milk"

Creamery	
Insanitary condition in, penalty.....	12797
Crematory	
Burial permit required.....	1261-63
Disposition of burial permit.....	1261-63
Endorsement of burial permit.....	1261-63
Municipal corporation may provide.....	3622
Record of cremations.....	1261-63
Crippled Children	
Care, treatment and education of.....	4853-10
Enumeration of	4853-9
Health commissioner to provide for examination of.....	4853-10
Health commissioner to receive list of.....	4853-10
Report of examination to juvenile judge and depart- ment of health.....	4853-10
Transportation of	4855
Cross-Connection	
In water distribution system, prohibited.....	1252-3
Dairy	
Certificate, cows free of tuberculosis.....	4459
Duties of dairy inspector.....	4461
Insanitary condition in, penalty.....	12797
Inspection by board of health.....	1261-26, 4459
Test of dairy products.....	4462
Dairy Barn	
Insanitary condition in, penalty.....	12797
Dairy Products—See also "Milk"	
Definitions	12736
Falsely marked imitations of; penalty.....	12750
Fraudulent shipment of; penalty.....	12749
Imitation cheese; penalty.....	12731
Improper use of word "butter"; penalty.....	12753
Labeling and packing renovated or processed butter; penalty	12756
Manufacturing or selling renovated or processed but- ter; penalty	12755
Mixing improper articles with butter or cheese; penalty.....	12752
Placards displayed by dealers.....	12731
Restrictions on sale of artificial; penalty.....	12740, 12741
Selling falsely branded; penalty.....	12751
Selling imitation or substitute for cheese; penalty.....	12737
Selling imitation or substitute without proper brand or label; penalty	12742
Substitutes for	12731
Use of imitation butter or cheese at public institution; penalty	12754
Vehicles peddling imitation cheese to be placarded; penalty.....	12738
Dead Animals—See "Animals"	
Dead Bodies	
Abandonment of burial ground.....	3465
Burials may be prohibited in municipality.....	4157

DEAD BODIES—Continued.

Burials of unclaimed.....	3495
Cemeteries outside municipality.....	4154
Council may regulate burial of.....	4155
Detention of corpse.....	12692
Disinterment of	3467
Disposal of, at benevolent institution.....	3496
Disposal of, dead from communicable disease.....	4440
May be retained twenty-four hours.....	12690
Mutilation or destruction of; penalty.....	13391-1
Nuisance caused by	12684
Orders or regulations concerning.....	1237
Penalty for refusal to deliver.....	12689
Penalty for unlawful possession.....	9989
Removal on complaint.....	3470
Removal, when cemetery abandoned.....	3465
Unclaimed	
Disposal of	9984
Interment after study or dissection.....	9986
Notification of relatives.....	9987
Procedure, if subsequently claimed.....	9985
Strangers or travelers.....	9988
Unlawful possession of	12691
Unlawful use of	12693
Deaths—See "Vital Statistics"	
Department	
Definition of term.....	154-2
Department of Agriculture	
Adoption of food standards.....	1177-12
Approval of food for storage.....	1155-25
Cold storage warehouse license.....	1155-7
Cold storage warehouse may be closed by.....	1155-8
Contagious or infectious diseases of animals to be reported..	1112
Cooperative tests for state institutions.....	1850
Disposition of infected animals.....	1114
Duty regarding stockyards.....	1177-76
Duty to enforce cold storage act.....	1155-17
Inspection of cold storage warehouses.....	1155-9
Inspection of locker plants.....	1155-23
License fee for locker plant.....	1155-22
License for cold storage warehouse.....	1155-7
License for locker plant.....	1155-21
License to dispose of dead animals.....	1177-60
License to manufacturers of frozen desserts.....	12730-1a
May require examination of bakery employe.....	1090-29
Refusing entrance of, to factory, etc.; penalty.....	12757
Revocation of license of locker plant.....	1155-27
Revocation of license to dispose of dead animals.....	1177-74
Right of entry for food inspection.....	1177-13
Rules and regulations for cold storage plants.....	1155-12
Rules and regulations for locker plants.....	1155-27
Rules for marking cold storage food.....	1155-11
Sanitary code of, to be posted in bakeries, etc.....	12798

DEPARTMENT OF AGRICULTURE—Continued.

Standards prescribed for bakery.....	1090-23
Suspension or revocation of license of frozen dessert manufacturer	12730-4
Department of Health—See also "Director of Health"; "Public Health Council"	
Annual report to governor.....	1248
Approval of closing highways.....	4426
Approval of plans for garbage disposal.....	1240-1
Approval of plans for improvements in conservancy district	6828-12
Approval of plans for industrial waste disposal.....	1240-1
Approval of plans for purification or treatment of water.....	1240
Approval of plans for sanitary plant.....	4469
Approval of plans for sewage disposal.....	1240
Approval of plans for sewerage.....	1240
Approval of plans for water supply.....	1240
Certification of births and deaths occurring outside county of residence.....	1261-56
Complaint of impure water supply.....	1252
Complaint of stream pollution nuisance.....	1249
Conference of health officials.....	1245
Consent required to establish tuberculosis clinic.....	3139-16
Cooperative tests for state institutions.....	1850
County Sewer District	
Appeal from order to install water supply.....	6602-29
Appeal, when order not acceptable.....	6602-8e
Complaint of insanitary conditions.....	6602-8d
Complaint of unsafe water supply in.....	6602-28
Investigation and finding.....	6602-8d
Order to establish.....	6602-8d
Order to install water supply.....	6602-28
Procedure, when order not complied with.....	6602-8f
Procedure, where order to install water supply not complied with	6602-30
Prosecution for failure to comply with order.....	6602-8g
Prosecution for failure to install water supply.....	6602-31
Creation of	154-3
Diseases to be reported to.....	1243
Emergency action	1237
Emergency action in epidemic.....	1244
Enforcement of rules and regulations.....	1238
General powers and duties.....	1237
General supervision of industrial waste disposal.....	1240-2
General supervision of sewage disposal.....	1240-2
Gonorrheal ophthalmia	1248-4
Inflammation of eyes of newborn.....	1248-4
Inspection of rest homes.....	6289-4
Investigation of complaints of stream pollution.....	1249
Investigation of uses and pollution of waters.....	1240-3
Investigation of methods of sewage disposal.....	1240-2
Investigation of methods of waste disposal.....	1240-2

DEPARTMENT OF HEALTH—Continued.

Laboratory

Director of health to have charge.....	1242
Examinations to be made in.....	1241
May establish	1241
Water supplies to be examined and reported annually.....	1241
License for maternity hospitals.....	6259

Marriage

Approval of laboratories.....	11188
Blood test of applicants for.....	11188
Forms for certifying blood test and examination.....	11188
Maternity and infancy act.....	1237-1

Maternity Hospital

Book of forms to be furnished.....	6270
Inspection of	6262, 6271
License for	6259
Record of revocation of license.....	6264
Revocation of license.....	6263
Secrecy of records.....	6274
To prescribe records to be kept.....	6266
Unlawful to maintain without license.....	6276
May declare diseases quarantinable.....	4429
May require examination of bakery employe.....	1090-29
May requisition forfeited narcotic drugs.....	12672-13
May specify diseases to be reported.....	4427

Occupational Diseases

Report forms	1243-2
Reports, by physicians.....	1243-1
Reports, not used as evidence.....	1243-3
Reports, to department of industrial relations.....	1243-4
Penalty for failure to report.....	1243-5
Penalty for failure to secure approval of plans.....	1240-1
Penalty for failure to submit plans.....	1240
Penalty for violation of orders and regulations.....	1247

Plumbing

Approval of plans and specifications.....	1261-2
Bond of inspector.....	1261-7
Certificate of approval.....	1261-5
Duty of owner to comply with notice.....	1261-13
Fees for permit and fixtures installed.....	1261-6
Inspection of	1261-2
Inspector not to engage in plumbing business.....	1261-8
Jurisdiction in municipal corporations.....	1261-3
Office and apparatus for inspectors.....	1261-12
Penalty for violation.....	1261-14
Permit to install, required.....	1261-6
Prosecutions	1261-15
Reports of inspectors.....	1261-11
Revocation of certificate of approval.....	1261-5
Right of entry.....	1261-10
Salary and expenses of inspectors.....	1261-9
Powers and duties in state parks.....	479
Powers and duties transferred to.....	154-43

DEPARTMENT OF HEALTH—Continued.

Prophylactic for eyes of newborn.....	1248-4
Prosecutions and proceedings.....	1247
Prosecutions in state parks.....	479
Quarantine of common carriers.....	4425
Registration of births occurring outside state.....	1261-56
Regulations for control of gonorrheal ophthalmia.....	1248-4
Regulations for control of inflammation of eyes of newborn	1248-4
Regulations governing waste disposal.....	1240-2
Regulations to prevent pollution of waters.....	1240-3
Reports of boards of health.....	4476
Rooms to be provided.....	1236-5
Rules and regulations for state sanatorium.....	1841
Rules and regulations for tuberculosis hospitals.....	3139-10
Sanitary district plans to be approved by.....	6602-46
School of instruction for health commissioners.....	1246
Shall determine if particular employment of children shall be prohibited.....	13003, 13007-4
Special duties	1239
Special orders and regulations.....	1237
State park sanitary districts.....	479
State subsidy for health districts, how paid.....	1261-39
To determine adequacy of service.....	1261-20
Transfer of powers and duties to.....	1232
Tuberculosis Hospitals	
Approval of location, plans, etc.....	3139
Formation of district to be approved.....	3139
General supervision	3139
Vital Statistics	
Adjutant general to receive information concerning deceased veterans	1261-50
Birth certificate, when illegitimate child becomes legitimate	1261-52a
Central division created.....	1261-44
Examination and filing of certificates.....	1261-50
Index of certificates.....	1261-50
Original certificates sent to.....	1261-49
Water Supply	
Approval, cross-connections	1252-3
Investigation of	1252-1
Records of construction, etc.....	1252-1
Regulations governing construction, etc.....	1252-1
Shall require analyses and records.....	1252-2
Department of Industrial Relations	
Adhesive stamps for bedding.....	1038-27
Appointment of bedding inspectors.....	1038-28
Bedding advisory board.....	1038-31
Director may revoke, etc., registration number.....	1038-30
Duties regarding bedding law.....	1038-25
Duties relative to bedding inspectors' reports.....	1038-28
Duty to inspect school houses and other buildings.....	1031
Enforcement of lead law.....	6330-8
Inspection of rest homes.....	6289-4
Laboratories to test bedding material.....	1038-29

Department of Public Welfare	
Administration of rest home law.....	6289-1
Admission and discharge of patients, state sanatorium.....	1841
Adoptions, supervision of.....	10512-9 et seq
Division of mental diseases.....	1890-20
Health services for dependent children.....	1359-33a
Investigate financial status of patients.....	1815-13
Support of patients, how determined.....	1815-14
Departments	
Annual reports	154-22
Authority to examine, inspect, etc.....	154-23
Bond required of officers.....	154-14
Central office in Columbus.....	154-17
Certification of rules and regulations.....	161-1
Civil service for employes.....	154-19
Cooperation and coordination of work.....	154-21
Director may prescribe regulations.....	154-8
Employes not paid for extra services.....	154-20
Hours of service.....	154-20
May establish branch offices.....	154-17
Oath of office for officers.....	154-14
Officers shall serve full time.....	154-16
Service of notice.....	154-25
Shall adopt official seal.....	154-18
Shall keep records and journal.....	154-18
Shall make and file reports.....	154-22
Transfer of rights, powers and duties.....	154-24
Vacation periods for employes.....	154-20
Dependent Children	
Health services for.....	1359-33a
Detention Hospital	
Board of health may establish.....	1261-22, 1261-33
Diphtheria—See also "Communicable Disease"	
Board of health shall provide antitoxin.....	1261-29
Cases to be quarantined.....	4429
Cases to be reported.....	4427
Control of, in public institution.....	4442
Disposal of body dead from.....	4440
Laboratory examination for.....	1241
Physician may apply for antitoxin.....	2500
Director of Health	
Administrative duties	1233
Annual report	1236-1
Appeal from orders of.....	1257
Appointment of	154-4
Approval of contract for laboratory service.....	1261-27
Authority to administer oath.....	1234-1
Certification of birth.....	1261-66
Certification of per diem cost of hospitals.....	6308-8
Certified copy of certificate of birth or death.....	1261-66
Charge of laboratory.....	1242
Contract for union of health districts to be sent to.....	1261-20

DIRECTOR OF HEALTH—Continued.

Duty regarding hospitals and dispensaries.....	1236-6
Duty respecting crippled children.....	4853-10
Forms for maternity hospital records.....	6270
Forms of registration and report of hospitals.....	1236-6
Forms for registration of vital statistics.....	1261-45
Forms to be prescribed for boards of health.....	4409
May appoint board of health in general health district.....	1261-24
May appoint health commissioner, when board of health not established	4405
May license maternity hospitals.....	6259
May order quarantine of carriers of venereal disease.....	1269-28
May prefer charges against health commissioner or board of health.....	1261-25
May remove local or deputy registrar.....	1261-67
Member, water supply board.....	375
Notice of appointment of health commissioner.....	1261-19
Public health manual to be published and distributed.....	151-66, 1236-1
Public record of actions.....	1240-1
Qualifications	154-12
Record of actions to be public.....	1240
Removal of	1236-4
Report of district advisory council.....	1261-18
Right of entry.....	1236-3
Sewage Treatment Works	
Order to appoint operator of.....	1256
Order to improve operation.....	1255
Stream Pollution	
Action for recovery of penalty.....	1261
Appeal to supreme court.....	1258-3
Finding and hearing.....	1250
How funds secured to comply with order.....	1259
Investigation of complaint.....	1249
Notice to mayor and council.....	1251
Order for abatement.....	1251
Order may be reversed, vacated or modified.....	1258-2
Penalty, failure to comply with order.....	1260
Procedure for abatement.....	1250
Procedure on appeal.....	1258-5
Term of office.....	154-12
To administer department of health.....	154-3
Transfer of powers and duties to.....	1233
Vital Statistics	
Approves deputy registrars.....	1261-47
Charge of registration system.....	1261-44
Combination of primary registration districts.....	1261-46
Designates registrar for combined district.....	1261-47
Fees of registrars to be certified.....	1261-51
May accept amended certificates.....	1261-65
Methods, forms, blanks, etc.....	1261-45
Supervision of registration system.....	1261-44
Water Purification Works	
Order to appoint operator.....	1256
Order to improve operation.....	1255

DIRECTOR OF HEALTH—Continued.

Water Supply	
Action for recovery of penalty.....	1261
Additional rates for water service.....	1258-1
Appeal to supreme court.....	1258-3
Finding and hearing.....	1250
Finding of pollution.....	1253
How funds secured to comply with order.....	1259
Investigation of complaint of pollution.....	1249
Notice of contamination or inadequate supply.....	1252-4
Notice of hearing on pollution of.....	1253
Notice to mayor and council.....	1251
Order may be reversed, vacated or modified.....	1258-2
Order to correct contaminated or inadequate.....	1252-5
Order to remove source of pollution.....	1251
Penalty for failure to comply with order.....	1252-6, 1260
Procedure on appeal.....	1258-5
Procedure to abate pollution.....	1250
Procedure when, contaminated or inadequate.....	1252-4
Director of Industrial Relations	
Chairman, bedding advisory board.....	1038-31
Director of Public Welfare	
Duties regarding poor relief.....	3391-3
Duties regarding rest homes.....	6289-3
Director of Public Works	
Quarters and vault for vital statistics records.....	1261-44
Director of Welfare—See "County Department of Welfare".	
Disinfection	
After recovery from communicable disease.....	4432
Board of health may purchase apparatus and supplies.....	4433
Board of health pays cost.....	4433
Disinterment	
Application for.....	3468
Of dead bodies.....	3467
Writ of mandamus to issue permit.....	3469
Dispensary	
Classification and definition.....	1236-6
Forms for registration and report.....	1236-6
Registration and report.....	1236-6
Dissection	
Unclaimed dead bodies used in study of.....	9984
District Advisory Council	
Appointment, board of health.....	1261-18
Appointment, members of board of health after union of dis-	
tricts.....	1261-20
Appointment, members of board of health removed by public	
health council.....	1261-25
Effect of refusal to appoint board of health.....	1261-24
Expenses of members.....	1261-18
How constituted.....	1261-18
Meetings.....	1261-18
Organization.....	1261-18
Procedure in combination of districts.....	1261-21

DISTRICT ADVISORY COUNCIL—Continued.

Procedure in union of health districts.....	1261-20
Report to director of health.....	1261-18
Report to health commissioner.....	1261-18
Ditch	
Penalty for obstructing.....	12653
Division	
Definition of term.....	154-2
Establishment of.....	154-8
Dogs—See "Animals"	
Dog Warden—See "Animals"	
Drain	
Penalty for obstructing.....	12653
Drainage	
Board of health to enforce.....	3656
Done at owners expense, when order neglected.....	3655
Into state reservoirs, prohibited.....	479
Land owner to comply with order.....	3654
Municipal corporation may require.....	3647-1
Municipal corporation to correct.....	3653
Dressing Rooms	
Where females employed.....	1009
Drink	
Adulteration defined.....	5778
Drugs—See also "Poison"	
Adulteration defined.....	5777
Confiscation and destruction of machinery, etc., used in adul- teration of; penalty.....	12758-1
Disposal of forfeited narcotics.....	12762-13
Manufacturer or seller of adulterated, to pay for analysis.....	12759
Misbranding.....	5784
Refusing entrance to factory, etc.; penalty.....	12757
Selling adulterated or misbranded; penalty.....	12758
Dry Closets	
For workshops and factories.....	1010
Dump Grounds	
Council shall provide.....	4463
Duties	
Transferred by administrative code.....	154-24
Electors	
Complaint of impure water supply.....	1252
Embalmers	
License of.....	1341
May not be registrar of vital statistics.....	1261-47
Penalty for practicing without license.....	1344
Revocation of license.....	1335-7
Embalming Schools	
Use of unclaimed dead bodies.....	9984
Emergency Fund	
For epidemics in general health districts.....	1261-41
Emergency Health Account	
How raised.....	1261-41

Employees	
Appointment of in general health district.....	1261-22
Employees Retirement—See “Public Employees Retirement System”	
Employment—See “Females”; “Minors”	
Epidemic	
Emergency action by department of health.....	1244
Emergency funds to control.....	1261-41
Taxing authority may borrow money.....	2293-7
Epithelioma Cancer	
Description of, as occupational disease.....	1465-68a
Examinations	
Admission to	154-67
Exhibitions	
When a nuisance.....	6212-1
Expenses	
City health district, how paid.....	1261-38
General health district, how paid.....	1261-38
Officers and members of departments, board, etc., to be reimbursed for	154-16
Eyes—See “Gonorrheal Ophthalmia”; “Inflammation of the Eyes of the Newborn”	
Factory—See “Workshops and Factories”	
Family Hotels	
Licensed on request.....	843-3
Federal Agency	
Transcript of certificates, how secured.....	1261-66
Fees	
Certification of birth.....	1261-66
Certification of birth of adopted child.....	1261-55
Certified copy of birth or death certificate.....	1261-66
For certificates of births, deaths and stillbirths furnished probate judge	1261-49
For correction of birth record.....	1261-57
For establishing birth record.....	1261-57
Registrars of vital statistics.....	1261-51
Females—See also “Temporary Legislation” Page 336	
Employment of, in factories, etc.....	12993
Fish	
Disposal of offal; penalty.....	12782
Food	
Adulteration defined	5778
Adulteration of vinegar; penalty.....	12774
Board of health may appoint inspectors.....	4458
Cold storage act does not apply, when.....	1155-16
Cold storage, from outside state.....	1155-15
Cold storage, how to be marked.....	1155-12
Cold storage, to be stamped.....	1155-11
Confiscation and destruction of machinery, etc., used in adulteration of; penalty	12758-1
Dairyman to report communicable diseases.....	4460

FOOD—Continued.

Definition	1155-20
Definition of "cold storage"	1155-3
Definition of "wholesome"	1155-6
Duty of dairy inspector	4461
Fruits and vegetables	
Falsely stamping packages; penalty	12776
Labeling "soaked goods"; penalty	12777
Selling unlabeled cans of	12775
To be washed in cannery	1090-15
Insanitary condition in place where manufactured, etc.;	
penalty	12797
Inspection by board of health	1261-26
Inspection of dairies	4459
Inspection of slaughter houses	4459
Length of time in cold storage	1155-13
Manufacturer or seller of adulterated, to pay for analysis	12759
Maple sugar or syrup	
Adulteration; penalty	12764
Definition	12763
Fraudulent use of word "maple"; penalty	12765
Package must bear label of packer	12766
Municipal corporation to provide inspection	3652
Orders to prevent sale of impure milk	4460
Permit to sell meat and milk	4459
Quarterly reports of, in storage	1155-9
Record of meat and milk dealers	4459
Refusing entrance to factory, etc.	12757
Right of entry for inspection	1177-13
Selling adulterated or misbranded; penalty	12758
Selling unwholesome provisions	12760
Shipped in refrigerated cars	1155-16
Slaughter of calf for human consumption; penalty	12761
Standards of	1177-12
Storage in locker plant	1155-25
Test of dairy products	4462
Unwholesome, not to be stored	1155-10
Withdrawn from storage, not to be returned	1155-14
Food Handlers	
Medical inspection of	1261-26
Food Products	
Municipal corporation to provide inspection	3652
Foot-rot	
Permitting sheep affected with, to run at large; penalty	13365
Foundling Child	
Procedure to secure birth record	1261-53
Forms	
For maternity hospital records	6270
For registration and report of hospitals	1236-6
For registration of vital statistics	1261-45
Report of occupational disease	1465-99a
To be prescribed for boards of health	4409
Frozen Custard—See "Frozen Desserts"	

Frozen Desserts

Definitions	12730-1
Fees for manufacturer's license.....	12730-1a
Imitation ice cream.....	12730-1a
Investigation of manufacturing plants.....	12730-1a
License required to manufacture.....	12730-1a
Pasteurized milk products to be used.....	12730-1b
Penalty for violation of law.....	12730-1d
Sign giving name of manufacturer to be displayed.....	12730-1a
Suspension or revocation of license.....	12730-4
Use of container other than that of the manufacturer, prohibited	12730-1c
Use of fats other than milk fats.....	12730-1a

Fumigation

In hotel and rooming house.....	843-13
---------------------------------	--------

Funeral Director

License of	1335-7
May not be registrar of vital statistics.....	1261-47
Penalty for practicing without license.....	1335-7

Garbage—See also "Waste Disposal District"

Contracts for removal of.....	4463
Disposed of at sanitary plant.....	4469
Hotels and restaurants.....	843-5
Municipal corporation to provide for collection and dis- posal	3649
Removed daily from cannery.....	1090-6

Garbage Disposal

Plans for, to be approved.....	1240-1
--------------------------------	--------

Garments—See "Wearing Apparel"

Gases

Burners giving off obnoxious, prohibited; penalty.....	12798-6
--	---------

Gasoline Poisoning

Description of, as occupational disease.....	1465-68a
--	----------

General Health District—See also "Board of Health";

"District Advisory Council"

Appointment, board of health by district advisory council	1261-18
--	---------

Board of Health

Appointment, nurse, clerk, etc.....	1261-22
Appointment of	1261-17
Appointment, health commissioner	1261-19
Combination of two districts.....	1261-21
Effect of union of districts.....	1261-20
General duties of health commissioner.....	1261-19
May establish clinics or detention hospitals.....	1261-22
May establish infant welfare stations.....	1261-22
May establish prenatal clinics.....	1261-22
May establish trachoma clinics.....	1261-22
Notice of appointment of health commissioner to director of health.....	1261-19
Orders and regulations.....	1261-42

GENERAL HEALTH DISTRICT; BOARD OF HEALTH—Continued.

Organization	1261-19
Public health council may remove members.....	1261-25
Qualifications of health commissioner.....	1261-19
Removal of employees.....	1261-22
Budget	
Apportionment by auditor.....	1261-40
Certification to county auditor.....	1261-40
Duty of board of health to estimate needs.....	1261-40
Duty of budget commissioners.....	1261-40
Subsidy deducted before apportionment.....	1261-40
Where district composed of two counties.....	1261-40
Combination of two districts; procedure.....	1261-21
Creation of	1261-16
Director of health may appoint board of health.....	1261-24
Effect of union with city health district.....	1261-20
Emergency funds for epidemics.....	1261-41
Employees, members of retirement system.....	486-39a
Procedure to effect union with city health district.....	1261-20
Regulations, publication of.....	1261-42
Subsidy	
Certification by board of health.....	1261-39
From state	1261-39
Procedure, in payment of.....	1261-39
Union with city health district.....	1261-20
Glanders	
Description of, as occupational disease.....	1465-68a
Laboratory examination for.....	1241
Gonorrhea—See "Venereal Disease"	
Gonorrheal Ophthalmia	
Cases to be reported.....	1248-2
Definition	1248-1
Duty of department of health.....	1248-4
Duty of health commissioner.....	1248-3
Regulations for control of.....	1248-4
Governor	
Annual report of department of health.....	1248
Appointment, bedding advisory board.....	1038-31
Appointment, directors of departments.....	154-4
Appointment, public health council.....	1234
Approval of branch offices.....	154-17
Approval of emergency rules.....	154-64
Consolidation of offices.....	154-8
May order cooperation of departments.....	154-21
May require and fix amount of bond.....	154-14
Powers of, under administrative code.....	154-1
Removal of director of health.....	1236-4
Removal of member of public health council.....	1236-4
Guilford Lake	
Designated as state park.....	469
Gymnasium	
Council may maintain and operate.....	4065-1

Halls

Inspection by department of industrial relations.....	1031
---	------

Health Commissioner

Annual conference of.....	1245
Application for diphtheria antitoxin.....	2500
Certification of birth.....	1261-66
Communicable disease to be reported to.....	4427
Consent to remove body required, when.....	1261-59
Detention of mental case without warrant.....	1890-26
Duty of, in hospitalizing cases of tuberculosis.....	3139-20
Duty when communicable disease reported.....	4428
Enumeration of crippled children sent to.....	4853-10

General Health District

Appointment	1261-19
General duties of.....	1261-19
Notice of appointment to director of health.....	1261-19
Qualifications	1261-19
Report of district advisory council.....	1261-18
Term of office.....	1261-19

Gonorrheal ophthalmia	1248-3
Inflammation of eyes of newborn.....	1248-3
Inspection of children's home.....	1261-31
Inspection of county home.....	1261-31
Inspection of jails	1261-31
Inspection of workhouse	1261-31
Investigation, employment of minors.....	12993-3
May be appointed acting coroner.....	2829
May require examination of bakery employe.....	1090-29
Original certificates of births, deaths and stillbirths	

sent to	1261-49
---------------	---------

Public health council may remove.....	1261-25
Report of deaths to election board.....	4785-46
Reports to Ohio commission for blind.....	1248-3
School of instruction for.....	1246
To determine if transportation of crippled child necessary.....	4855
To provide for examination of crippled children.....	4853-10
Warrant for detention of mental case.....	4890-24

Health District

Creation of	1261-16
Contribution to retirement fund.....	486-33f
Employes, members of retirement system.....	486-33a
Employes, retirement contribution	486-33e
Statement of retirement board.....	486-33g

Hearing

Date, time and place, how fixed.....	154-69
Definition of	154-62
Failure to notify, invalidates order.....	154-68
How conducted	154-70
Notice to licensee.....	154-68
Order, how served.....	154-70
State agency to conduct.....	154-67

Highways

Closing by quarantine order.....4426

Hog Cholera

Transporting animal infected with; penalty.....13373

Hogs

Feeding unwholesome offal and flesh to.....12779

Homes for Aged—See "Rest Home"**Hospital—See also "Tuberculosis Hospital"**

Board of health to have control of communicable disease.....4454

Bond issue for communicable disease.....4453

Classification and definition.....1236-6

Contracts for care of tuberculosis cases.....3139-18

Council may erect and maintain, for communicable disease.....4452

For diseased prisoners.....3668

For mental diseases, to be licensed.....1890-20

Forms for registration and report.....1236-6

Inspection by department of industrial relations.....1031

Liability of municipality or township for hospital service.....3480-1

Maternity

Adoptions to be reported.....6267

Births to be attended by qualified physician.....6265

Births to be reported.....6265

Burden of proof as to relationship.....6277

Coroner to investigate deaths, when certificate not filed.....6269

Deaths to be reported.....6268

Department of health to furnish forms for records.....6270

Inspection by health officials.....6262, 6271

License to operate.....6259

Limitation as to number of women and children.....6261

Record of birth, sickness and adoption.....6266

Record of revocation of license.....6264

Revocation of license.....6263

Secrecy of records.....6274

Terms and content of license.....6260

Unlawful to maintain without license.....6276

Motor Vehicle Injury

Certification of per diem cost.....6308-8

Definitions.....6308-7

Municipal corporation may provide.....3621

Penalty for failure to use prophylactic in eyes of newborn.....1248-6

Quarantine

Building may be seized in emergency.....4456

Municipality may establish.....4456

Person with communicable disease may be sent to.....4428

Who may be removed to.....4455

Record of prophylactic used.....1248-5

Recovery for services to indigent.....3484-2

Refusing entrance of public officials; penalty.....12933

Registration and report.....1236-6

Removal of infected person from public institution.....4444

Report cases of gonorrheal ophthalmia.....1248-2

Report cases of inflammation of eyes of newborn.....1248-2

HOSPITAL—Continued.

Service for indigents; notice.....	3480
Tax levy to compensate free public.....	4021

Hotel

Beds and bedding.....	843-11
Bed in cook room, prohibited.....	843-14
Cause for refusal to license.....	843-3
Certificate of physician may be required.....	843-6
Cleanliness of employes.....	843-5
Containers for garbage.....	843-5
Definition of	843-1
Employes to be free of contagious disease.....	843-6
Food protected against flies, etc.....	843-5
Fumigation, when required.....	843-13
Insanitary condition in; penalty.....	12797
Inspection by board of health.....	1261-26
License for	843-3
Plumbing, lighting and ventilation of.....	843-9
Sanitation of	843-5
Sanitation of bedding, etc.....	843-12
Sterilization of cooking utensils.....	843-5
Transfer of license.....	843-3
Vermin in	843-12
Wash room apart from bakery.....	1013
Water closet apart from bakery.....	1013
Water supply and sewerage for.....	843-10

Humane Society

Disposition of surplus dog and kennel fund.....	5653
---	------

Hydrophobia

Laboratory examination for.....	1241
---------------------------------	------

Ice

Board of health may prohibit sale of domestic use.....	4465
Board of health may regulate cutting and sale.....	4464
Penalty for sale without permit.....	4466
Permit to sell for domestic use.....	4464

Ice Cream—See "Frozen Desserts"

Ice Cream Factory

Insanitary condition in; penalty.....	12797
---------------------------------------	-------

Ice Sherbet—See "Frozen Desserts"

Illegitimate Child

How made legitimate.....	1261-52a
Name of	1261-52
New birth certificate when, becomes legitimate.....	1261-52a
Original certificate of birth not public record.....	1261-52a

Ill Fame—See "Prostitution"

Immunization

Of pupils in public schools.....	4838-5
----------------------------------	--------

Indian Lake

Designated as state park.....	469
-------------------------------	-----

Indigent Person—See "Indigents"; "Poor Relief"

Indigents

Admission to county home.....	2546
County of legal settlement to pay expense of quarantine.....	4438
Diphtheria antitoxin for.....	2500
Medical care of, by board of health.....	4410
Municipality or township of legal settlement to pay ex- pense of quarantine.....	4438-1
Penalty for transporting.....	2555
Removal of, when illegally transported.....	2555

Industrial Commission of Ohio

Administration of "lead" law.....	6330-1
Bureau For Prevention of Industrial Accidents	
Creation of	1465-89a
Claims barred after two years.....	1465-72a
Medical boards of review.....	1465-68d

Occupational Disease

Attorney-general to prosecute actions.....	1465-100
Claims barred, when.....	1465-72b
Classification of occupations and industries.....	1465-53
Compensation of disabled employes or dependents.....	1465-68a
Forms for reports.....	1465-99a
Insurance fund	1465-53
Premium according to risk.....	1465-53
Prosecuting attorney to prosecute actions.....	1465-100
Rates of premium.....	1465-53a
Rating system	1465-53a
Reports to employer.....	1465-99a
Reports by physicians.....	1465-99a
Schedule of	1465-68a
Silicosis referees to be appointed.....	1465-68a
Transcript of birth and death certificates.....	1261-66a

Industrial Waste

Definition of	1240-1
Department of health to have supervision of.....	1240-2
Plans for disposal of, to be approved.....	1240-1
Records to be kept and reported.....	1240-2

Infant—See "Inflammation of Eyes of Newborn"**Infant Welfare Stations**

Board of health may establish.....	1261-22
------------------------------------	---------

Infectious Disease—See "Communicable Disease"**Infirmaries—See also "County Home"**

Inspection by department of industrial relations.....	1031
---	------

Inflammation of Eyes of Newborn

Cases to be reported.....	1248-2
Definition	1248-1
Duty of department of health.....	1248-4
Duty of health commissioner.....	1248-3
Penalty for failure to report.....	12787
Regulations for control of.....	1248-4

Injunction—See "Nuisance"**Insects**

Sanitary district to provide for extermination and prevention.....	6602-35
--	---------

Inspector of Nuisances	
Appointment	12661
Duties and powers.....	12662
Prosecuting attorney is legal advisor.....	12662
Inter-Municipal Improvements	
Municipalities may join in.....	3615-1
Procedure to effect.....	3615-1
Jails	
Inspection by board of health.....	1261-26
Inspection by health commissioner.....	1261-31
Physical examination of inmates.....	1261-31
Journal	
Each department shall keep.....	154-18
Justice of the Peace	
When may act as coroner.....	2829
Juvenile Court	
Approval, placing child in foster home.....	10512-16
Care, treatment and education of crippled children.....	4853-10
Juvenile Judge	
Enumeration of crippled children.....	4853-9
Label	
For bedding	1038-26
Ingredients in bakery.....	1090-34
Soft drink bottles.....	1089-12
Laboratory	
Blood test of applicants for marriage license.....	11188
Board of health may establish.....	1261-27
Department of health may establish.....	1241
Director of health to have charge.....	1242
Examinations to be made in.....	1241
Insanitary condition in; penalty.....	12797
Testing, bedding material.....	1038-29
Lake	
Investigation of uses and pollution.....	1240-3
Penalty for depositing refuse in.....	12647
Lake Loramie	
Designated as state park.....	469
Lake St. Marys	
Designated as state park.....	469
Lands	
Municipal corporation may acquire, lease, etc.....	3631
Lead—See "Occupational Disease"	
Lead Poisoning	
Description of, as occupational disease.....	1465-68a
Legal Settlement	
County commissioners to pay for medical and hospital service for indigents.....	3484-2
Definition	3477
Municipality of, liable for medical and hospital service.....	3480-1

LEGAL SETTLEMENT—Continued.

Removal of indigent person to county of.....	3484
Removal of pauper to county of.....	3482
Who considered as having.....	3479
Lewdness—See also “Nuisance”; “Prostitution”	
Abatement and injunction, as related to place of.....	6212-1 et seq
Place where conducted, defined as a nuisance.....	6212-1
License	
Appeal, on denial or revocation of.....	154-73
Authority of municipal corporation.....	3672
Definition of	154-62
Denial of registration.....	154-67
Disposal of dead animals.....	1177-60
For cold storage warehouse.....	1155-7
For combined hotel and restaurant.....	843-3
For hotel	843-3
For maternity hospital.....	6259
For mental disease hospital.....	1890-20
For restaurant	843-3
For transient dealer	3673
Issuance, renewal or denial of, by state agency.....	154-67
Locker and branch locker plant.....	1155-21
Plumbers, sewer tappers, vault cleaners.....	3637
Revocation of, for locker plant.....	1155-27
Revocation of, to dispose of dead animals.....	1177-74
Licensee	
Right to continue business, when.....	154-67
Lighting	
Hotels and restaurants.....	843-9
Of cannery	1090-8
Live Stock	
Not to be kept near cannery.....	1090-7
Locker	
Definition	1155-20
Locker Plant—See “Cold Storage”	
Lodging Houses	
Licensed on request.....	843-3
Lunch Rooms	
In school buildings.....	4839-6
Manganese Dioxide Poisoning	
Description of, as occupational disease.....	1465-68a
Maple Sugar—See “Food”	
Marriage	
Banns	
Evidence of examination and blood test filed in probate court	11186
Physical examination and serological test required.....	11186
Physician's statement as to communicable syphilis.....	11186
Publication of	11186
Confidential character of records.....	11188
License	
Application for, how made.....	11188
Issuance of, prohibited in certain cases.....	11187

MARRIAGE; LICENSE—Continued

Laboratory statement as to blood test.....	11188
Physician's statement relative to syphilis.....	11188
Probate judge to issue.....	11186
Waiver of waiting period.....	11188
Penalty for violation of license law.....	11188
Physical examination by physician.....	11188
Serological Blood Test	
Approval of laboratories to make.....	11188
Laboratory statement	11188
Required of applicants.....	11188

Market Places

Municipal corporation may establish.....	3638
--	------

Maternity—See "Hospital"

Maternity and Infancy

Acceptance of federal act.....	1237-1
Authorized to receive funds for.....	1237-3
Division of child hygiene to administer.....	1237-1
Medical and nursing service.....	1237-4
Plans to be approved.....	1237-2
Restrictions on operation.....	1237-2

Maternity Homes—See "Hospital, Maternity"

Maternity Hospital—See also "Hospital, Maternity"

Penalty for failure to use prophylactic in eyes of newborn.....	1248-6
Penalty for violation of law relating to.....	12789
Record of prophylactic used.....	1248-5
Report cases of gonorrheal ophthalmia.....	1248-2
Report cases of inflammation of eyes of newborn.....	1248-2

Mattress—See "Bedding"

Mattress Protector—See "Bedding"

Mayor

Appointment of members of board of health removed by public health council.....	1261-25
Appointment of member of city board of health.....	4404
President of city board of health.....	4404

Meat—See "Food"

Medical Boards of Review

Appointment and duties.....	1465-68d
-----------------------------	----------

Medical College

Use of unclaimed dead bodies.....	9984
-----------------------------------	------

Medical Institutes

Inspection by department of industrial relations.....	1031
---	------

Medical Relief

When furnished by county commissioners.....	2546
---	------

Medicine

Definition	12665
Distribution of, containing poison.....	12664

Membranous Croup—See also "Communicable Disease"

Cases to be quarantined.....	4429
Cases to be reported.....	4427
Disposal of body dead from.....	4440

Mental Diseases

Detention without warrant.....	1890-26
Division of, created.....	1890-20
Care of mental cases under detention.....	1890-24
License for institutions accepting cases.....	1890-20
Warrant of detention.....	1890-24

Mercury Poisoning

Description of, as occupational disease.....	1465-68a
--	----------

Midwife

Report of birth of child.....	1261-52
-------------------------------	---------

Milk—See also "Dairy Products"; "Food"

Analysis of dairy products.....	4462
Babcock test.....	12722
Board of health to issue permit.....	4459
Condensed, to be made of pure, clean, etc.....	12725
Cream under required standard; penalty.....	12716-2
Dairyman to report communicable diseases.....	4460
Definition.....	12736
Definition of "adulterated".....	12716
Delivery of adulterated, to cheese or butter factory.....	12726
Inspection of dairies.....	4461
Keeping unhealthy cow for production of.....	12729
Manipulating tests.....	12724
Misrepresentation as to pure; penalty.....	12719
Per cent of milk fat cream shall contain.....	12716-1
Price paid producer on basis of butter-fat.....	12720-1, 12721
Record of dealers.....	4459
Refilling bottles.....	12730
Retention of samples tested.....	12724
Sale of adulterated; penalty.....	12717, 12718
Sale of standardized, not prohibited when labeled.....	12719
Selling falsely branded or labeled.....	12728
Selling impure or unhealthy.....	12727
Selling incorrectly marked measure.....	12723
Skimmed, must be labeled if sold.....	12720
"Standard measure" or "pipette" defined.....	12722

Milk Depot

Insanitary condition in; penalty.....	12797
---------------------------------------	-------

Milk Products—See "Frozen Desserts"**Milk Sherbet—See "Frozen Desserts"****Minors—See also "Temporary Legislation" Page 336**

Age and schooling certificate required.....	12993-2
Department of health to determine if particular employ- ment of, should be prohibited.....	13003, 13007-4
Employment of, during school hours.....	12993-1
Employment of, in factories, etc.....	12993
Employment of, in irregular service.....	12993-3
Inspection of place of employment.....	12993-2
Penalty for sale of compounds containing poison to.....	12666

Misdemeanors

Municipal corporation may provide punishment for.....	3628
---	------

Mosquitoes

Sanitary district to provide for extermination and prevention	6602-35
---	---------

Motor Vehicle Injury

Definition	6308-7
------------------	--------

Municipal Corporations

Abandonment of cemetery.....	3472
Acquire, lease and hold lands.....	3631
Action for recovery of penalty.....	1261
Additional powers	3939
Additional rates for water service.....	1258-1
Appointment of sanitary board.....	4472
Appropriation of land outside municipality.....	3678
Appropriation of property, procedure.....	3679
Appropriation of property, purpose.....	3677
Auctioneering	3634
Bond issue for communicable disease hospital.....	4453
Burials may be prohibited in.....	4157
Burials of unclaimed bodies.....	3495
Cemeteries and crematories.....	3622
City engineer to devise plan of sewerage.....	3871
Communicable diseases	3646
Complaint of impure water supply.....	1252
Complaint of pollution of water supply.....	1249
Complaint of stream pollution.....	1249
Construction and care of sidewalks.....	3853
Contaminated or inadequate water supply.....	1252-4
Contract for the enforcement of building regulations.....	2481
Contribution to retirement fund.....	486-33f
Council may contract for disposal of waste substances.....	4470
Council may erect and maintain hospital for communicable disease	4452
Council may provide a water supply.....	3955
Council may regulate price of electric light, gas and water.....	3982
Council shall provide dump grounds.....	4463
Council shall provide for expenses of board of health.....	4451
Defense for non-support of pauper.....	3478
Disposition of surplus water funds.....	3959
Drainage of stagnant water.....	3647-1
Emergency funds, how secured.....	1259-1
Employees, members of retirement system.....	486-33a
Employees, retirement contribution	486-33e
Enforcement of ordinance regulating cemeteries.....	4155
Erection of buildings.....	3636
Erection of fences, etc.....	3637
Establish and care for streets, etc.....	3629
Fill lots and remove obstructions.....	3653
Food and food products.....	3652
Funds to comply with order of director of health.....	1259
Garbage	3649
General powers of.....	3615
Hospitals	3621

MUNICIPAL CORPORATIONS—Continued.

Hospitals for diseased prisoners.....	3668
Impounding animals	3633
Imprisonment, when fine and costs not paid.....	3666
Inter-municipal improvements	3615-1
Jurisdiction of police court.....	4577
Jurisdiction of property used for municipal purpose.....	4577
Jurisdiction; state plumbing inspector.....	1261-3
Jurisdiction, to prevent water pollution.....	12784
Labor in prison.....	3667
Lease or sale of corporate property.....	3698
Liability for medical and hospital service for indigents.....	3480-1
License for transient dealers.....	3673
License of plumbers, sewer tappers and vault cleaners.....	3637
Licensing power	3672
Maintain and operate playgrounds, etc.....	4065-1
Maintenance of physician.....	3646-1
Market places	3638
May authorize employment of scavengers.....	4463
May establish quarantine hospital.....	4456
May provide cemeteries outside limits.....	4154
Medical and hospital service, as poor relief.....	3480
Misdemeanors	3628
Notice to cut noxious weeds.....	4245
Nuisances	3650
Officers to visit persons requiring relief.....	3481
Order to appoint operator of water purification and sewage treatment works.....	1256
Order to correct pollution of water supply.....	1254
Order to improve sewage treatment works.....	1255
Order to improve water purification works.....	1255
Ordinances and resolutions, how adopted.....	4227
Plans and real estate for sanitary plant.....	4468
Police regulations effective outside municipality.....	3658-1
Pollution of public water supply.....	1253
Poor relief	3476
Powers expressed by ordinance or resolution.....	3616
Preserve peace and protect property.....	3658
Primary registration district for vital statistics.....	1261-46
Procedure to secure removal of non-resident indigents.....	3484-1
Public baths, bath houses, etc.....	3648
Punishment for breach of the peace.....	3665
Punishment for disturbance of the public peace.....	3664
Regulate use of vehicles and streets.....	3632
Regulation of water closets, plumbing, etc.....	4420
Removal of indigent person to county of legal settlement.....	3484
Right of visitation of public institutions.....	4665
Sanitary regulations effective outside municipality.....	3658-1
Sanitary requirements for workshops and factories.....	1010
Sanitation of buildings.....	3639
Service connections	3812-1
Sewage disposal works.....	3647
Sewers	3647

MUNICIPAL CORPORATIONS—Continued.

Special assessments, how made.....	3812
Statement of retirement board.....	486-33g
Supervision and control of streets, etc.....	3714
Suppress disorderly conduct.....	3660
Tax limitation	3785
Tax to compensate free public hospital.....	4021
To pay expense of indigent quarantined in another city or township.....	4438-1
Water closets and privies.....	3647
Water supply	3619
Who considered as having legal settlement.....	3479
Naphtha Poisoning	
Description of, as occupational disease.....	1465-68a
Narcotic Drugs	
Disposal of forfeited.....	12672-13
North Reservoir	
Designated as state park.....	469
Notice	
Of hearing by state agency.....	154-68
Required by administrative code.....	154-25
State fire marshal, how served.....	843-14
Nuisance—See also "Prostitution"	
Actions to have precedence.....	6212-5
Approved motion picture film excepted.....	6212-1
Bond may be required of complainant.....	6212-3
Certain businesses prohibited near state institutions.....	12655
Contents of judgment and order.....	6212-6
Contents of privy vaults.....	12650
Corporations may be prosecuted for maintaining.....	4415, 12657
Court to punish offender for violation of injunction or order.....	6212-8
Criminal proceedings, where existence is established.....	6212-7
Dead human bodies.....	12684
Defiling well or spring.....	12654
Definition of	12646
Depositing dead animal, offal, etc., upon land or in water.....	12649
Depositing wastes into lakes, streams, etc.....	12647
Duties of prosecuting attorney.....	6212-7
Effect of court order to abate.....	6212-4
Fine and costs, lien on property.....	12648
Injunction proceeding, where brought.....	6212-4
Inspection and abatement, by board of health.....	1261-26
Inspector	
Appointment of	12661
Duties of	12662
Judgment for fine and costs, how collected.....	12660
Lease void, if building used for lewd purposes.....	6212-12
Municipal corporation to abate.....	3650
Obstructing ditch or drain.....	12653
Parties to action.....	6212-10
Penalty for maintaining	12646
Penalty for refusing to obey order to abate.....	4414

NUISANCE—Continued.

Penalty for violating injunction or order.....	6212-8
Place where prostitution is conducted.....	6212-1
Procedure in abatement.....	4421, 4422
Proceedings in contempt.....	12658
Property liable for fine and costs.....	12656
Public officer may be substituted for complainant.....	6212-5
Regulations to prevent and abate.....	1261-42, 4413
Special tax against owner of real property.....	6212-9
Venue of action to abate.....	12659
What constitutes	12646
Who guilty of maintaining.....	6212-2
Who may bring action to abate.....	6212-3

Oath

Director of health may administer.....	1234-1
--	--------

Oath of Office

Filed with secretary of state.....	154-14
For officers of departments.....	154-14

Occupational Disease

Claims barred, when	1465-72b
Classification of occupations and industries.....	1465-53
Compensation of disabled employes or dependents.....	1465-68a
Copy of report sent to department of industrial relations.....	1243-4
Definition of	1465-68a
Forms for reporting.....	1243-2, 1465-99a
Insurance fund	1465-53
Investigation of	1465-89a

Lead

Constitutionality of act.....	6330-11
Duties of employes.....	6330-4
Effective date of act.....	6330-12
"Employer" defined	6330-10
Employers to furnish safety appliances.....	6330-3
Enforcement of law	6330-8
Industrial commission to prescribe devices, etc., to prevent.. ..	6330-1
Manufacturing and handling, declared dangerous to health	6330-2
Medical examination of employes.....	6330-6
Notices to be posted and explained.....	6330-5
Penalty for violation by employer or employe.....	6330-9
Records and reports of medical examination.....	6330-7
Sanitary equipment	6330-3
Working rooms	6330-3
Medical boards of review.....	1465-68d
Penalty for not reporting.....	1243-5, 1465-99a
Physicians to report.....	1465-99a
Prosecution of actions.....	1465-100
Rating system	1465-53a
Rates of premium.....	1465-53a
Reported to department of health.....	1243-1
Reports not used as evidence.....	1243-3

OCCUPATIONAL DISEASE—Continued.

Reports to employer	1465-99a
Schedule of	1465-68a
Offal	
Depositing upon land or in water; penalty.....	12649
Failure to bury or burn, of fish; penalty.....	12782
Feeding unwholesome, to hogs; penalty.....	12779
Ohio Commission for the Blind	
Cases of inflammation of eyes to be referred to.....	1248-3
Ohio State Sanatorium	
Admission and discharge of patients.....	1841, 2055
Apportionment of patients to counties.....	20:5
Care, education and treatment of children.....	2068-1
County having tuberculosis hospital not compelled to pay for patients.....	1815-15
Disposition of receipts.....	2072
Duty of department of public welfare.....	1815-13
Duty of superintendent	2068
Expense to be paid by county.....	1816
Gifts, legacies, etc.....	2071
Monthly reports to state auditor.....	2072
Out-door labor for patients.....	2070
Probation period for patients.....	2069
Purpose of institution.....	2054
Rates for care, treatment, etc.....	2068
Support of patients, how determined.....	1815-14
Support of patients in.....	1815-13
Who entitled to admission.....	2068
Ohio Water Supply Board	
Advisory committee	375-6
Annual report to governor.....	375-9
Compensation and expenses of members.....	375-1
Cooperation by public authorities.....	375-3
Creation of	375
Gifts, contributions, etc.....	375-4
Information and statistics, how secured.....	375-8
Meetings	375-5
Meetings of advisory committee.....	375-7
Membership of	375
Powers and duties of.....	375-2
Secretary and technical assistants.....	375-1
Oil Wastes	
Fine and costs, lien on property.....	12648
Penalty for depositing into lake, stream, etc.....	12647
Oleomargarine	
Definition	12735
Placard to be displayed by dealers; penalty.....	12731
Placard to be displayed by hotel, etc.; penalty.....	12732
Use of excess degree of color; penalty.....	12734
Using dyes in; penalty.....	12733
Opera Houses	
Inspection by department of industrial relations.....	1031

Ophthalmia Neonatorum—See "Inflammation of Eyes
of Newborn"

Orders—See also "Regulations"

Action for recovery of penalty.....	1261
Appeal to supreme court.....	1258-3
Appointment of referees.....	1237
Contaminated water supply.....	1254
How funds secured to comply with.....	1259
Improvement of sewage treatment works.....	1255
Improvement of water purification works.....	1255
May be reversed, vacated or modified by supreme court.....	1258-2
Penalty for failure to comply with.....	1260
Penalty for violation of.....	4414
Procedure on appeal.....	1258-4
Report of referees.....	1258
Stream pollution nuisance.....	1251
Supreme court only has jurisdiction.....	1258-6
To appoint competent operator for treatment plant.....	1256
Transcript of record to supreme court.....	1258-4
Validity of.....	1258-7
Water rates may be increased, when.....	1258-1

Ordinance

Amendment of.....	4226
Authentication of.....	4227
Certificate of clerk as to publication.....	4231
Effective date of.....	4227
Effect of failure to publish.....	4233
How received as evidence.....	4235
Procedure in adopting.....	4227
Proof of publication of.....	4228
Publication in book form.....	4230
Publication of.....	4228
Recording of.....	4227
Repeal of.....	4226
Style of.....	4225
Times of publication required.....	4229
Title, what to contain.....	4226

Packing House

Insanitary condition in; penalty.....	12797
---------------------------------------	-------

Pad—See "Bedding"

Pandering

Definition; penalty.....	13031-1
--------------------------	---------

Park District

Contribution to retirement fund.....	486-33f
Employees retirement contribution.....	486-33e
Statement of retirement board.....	486-33g

Park District Employees

Members of retirement system.....	486-33a
-----------------------------------	---------

Pauper—See "Poor Relief"

Penal Institution—See also "Public Institution"

Inspection by health commissioner.....	1261-31
--	---------

PENAL INSTITUTION—Continued.

Physical examination of inmates.....	1261-31
Penalty	
Animals	
Ill treatment of.....	13376
Permitting sheep with foot-rot to run at large.....	13365
Selling carcass of diseased.....	13364
Transporting hog with cholera.....	13373
Burners giving off obnoxious gases.....	12798-6
Careless distribution, samples of medicine containing poison.....	12664
Cheese	
Erasing or cancelling label on filled or skimmed.....	12748
Placard of vehicle selling imitation.....	12738
Posting placard where imitation sold.....	12739
Selling imitation or substitute.....	12737
Selling imitation without proper wrapper or label.....	12747
Selling skimmed, without label.....	12746
Corpse nuisance	12684
Creating or maintaining nuisance.....	12646
Dairy Products	
Falsely marked imitation of.....	12750
Fraudulent shipment of.....	12749
Improper use of word "butter".....	12753
Labeling and packing renovated or processed butter.....	12756
Mixing improper articles with butter or cheese.....	12752
Restrictions on sale of artificial.....	12740, 12741
Selling imitation or substitute, without proper brand or label	12742
Unlawful manufacture or sale of renovated or proc- essed butter	12755
Use of imitation, at public institutions.....	12754
Defiling well or spring.....	12654
Depositing dead animal or offal upon land or in water.....	12649
Depositing poison on thoroughfare.....	12663
Depositing wastes into lake, stream, etc.....	12647
Detention of dead body.....	12692
Dog wearing fictitious or altered tag.....	5652-15
Exposing a person to contagious disease.....	12785
Failure of dog warden to perform duties.....	5652-14b
Failure to apply for registration of dog.....	5652-14
Failure to comply with order of director of health.....	1252-6, 1260
Failure to dispose of fish offal.....	12782
Failure to properly dispose of animal dead from con- tagious disease	12780
Failure to provide toilet room at railroad station.....	8928
Failure to register dog.....	5652
Failure to report inflammation of eyes of newborn infant.....	12787
Failure to report occupational disease.....	1465-99a
Failure to secure approval of plans for garbage disposal.....	1240-1
Failure to secure approval of plans for industrial waste disposal	1240-1
Failure to submit plans for water supply or sewerage.....	1240

PENALTY—Continued.

Failure to use prophylactic in eyes of newborn.....	1248-6
Feeding unwholesome offal or flesh to hogs.....	12779
Food	
Adulteration of maple sugar or syrup.....	12764
Adulteration of vinegar.....	12774
Failure to label package containing maple sugar or syrup	12766
Fraudulent use of word "maple".....	12765
Labeling "soaked" goods.....	12777
Manufacture and sale of adulterated candy.....	12762
Selling unwholesome provisions.....	12760
Slaughter of calf for human consumption.....	12761
Unlabeled fruits and vegetables.....	12775
Food and Drug	
Confiscation and destruction of machinery, etc., used in adulterating	12758-1
Selling adulterated or misbranded.....	12758
Insanitary conditions in workshops and factories.....	1011
Maintaining certain businesses near state institutions.....	12655
Milk	
Delivering adulterated, to cheese or butter factory.....	12726
Failure to retain samples tested.....	12724
Keeping unhealthy cow for production of.....	12729
Manipulating Babcock or other tests.....	12724
Misrepresentation as to pure.....	12719
Not paying producer on basis of butter-fat content.....	12720-1, 12721
Refilling bottles	12730
Selling adulterated	12717, 12718
Selling condensed, not made from pure, clean, etc.....	12725
Selling cream under required standard.....	12716-2
Selling falsely branded or labeled.....	12728
Selling impure or unhealthy.....	12727
Selling incorrectly marked measure.....	12723
Selling unlabeled skimmed.....	12720
Using other than standard measure or pipette.....	12722
Misstatement by common carrier.....	4446
Mutilation or destruction of dead human body.....	13391-1
Obstructing ditch or drain.....	12653
Oleomargarine	
Failure of dealer to display placard.....	12731
Failure of hotel, etc., to display placard.....	12732
Use of excessive degree of color.....	12734
Use of unhealthy dyes.....	12733
Operating rest home without license.....	6289-10
Permitting diseased animal to run at large.....	13364
Practicing as funeral director without license.....	1335-7
Practicing embalming without license.....	1344
Prostitution	
Causing wife to be a prostitute.....	13031-4
Detention of female in house of.....	13031-5
First and second degree of guilt.....	13031-17

PENALTY; PROSTITUTION—Continued

Maintaining a place for prostitution.....	13031
Pandering	13031-1
Placing a female for immoral purposes.....	13031-2
Receiving money for placing female in house of.....	13031-3
Using force, fraud, etc., to induce female to be- come prostitute	13031-9
"White slave" traffic.....	13031-6
Putting dead animal in canal.....	12783
Refusing entrance of public officials to public or private institutions	12993
Refusing entrance to representative of department of agriculture	12757
Refusing to deliver corpse.....	12689
Selling compounds containing poison to minors.....	12666
Selling compounds containing poison without labeling.....	12667
Selling ice for domestic use without permit.....	4466
Stealing registered dog.....	5652-7
Transfer of, by administrative code.....	154-24
Transporting indigents	2555
Unlawful possession of dead body.....	9989, 12691
Unlawful use of dead body.....	12693
Using bedding material in contact with communicable disease	1038-33
Violation of bedding law	1038-33
Violation of cold storage law.....	1155-19
Violation of frozen desserts law.....	12730-1d
Violation of injunction or order to abate nuisance.....	6212-8
Violation of law relating to maternity hospitals.....	12789
Violation of lead law	6330-9
Violation of marriage license law.....	11188
Violation of orders or regulations by corporation.....	4415
Violation of orders or regulations of board of health.....	4414
Violation of orders or regulations of department of health.....	1247
Violation of plumbing inspection law.....	1261-14
Violation of rules governing state parks.....	479-1
Violation of vital statistics law.....	1261-68
Permit	
To sell meat and milk.....	4459
Person	
Definition of	154-62
Petroleum Products Poisoning	
Description of, as occupational disease.....	1465-68a
Phosphorus Poisoning	
Description of, as occupational disease.....	1465-68a
Physician	
Certificate from, of recovery from communicable disease.....	4432
Duty to report communicable diseases.....	1243, 4427
Duty to report occupational diseases.....	1243-1, 1465-99a
Examination of applicants for marriage license.....	11188
For county home.....	2546
Liability of municipality or township for medical service.....	3480-1
May apply for diphtheria antitoxin.....	2500

PENALTY—PHYSICIAN—Continued.

Medical statement on certificate of death.....	1261-62
Municipal corporation may provide maintenance, when.....	3646-1
Notice of medical service to indigents.....	3480
Penalty for failure to report occupational diseases.....	1243-5
Penalty for failure to use prophylactic in eyes of newborn.....	1248-6
Precautionary measures in communicable disease.....	4430
Record of prophylactic used.....	1248-5
Recovery for services to indigent.....	3484-2
Report cases of gonorrheal ophthalmia	1248-2
Report cases of inflammation of eyes of newborn.....	1248-2
Report of birth of child.....	1261-52
Pillow—See "Bedding"	
Plague—See also "Communicable Disease"	
Cases to be quarantined.....	4429
Cases to be reported.....	4427
Disposal of body dead from.....	4440
Playground	
Council may maintain and operate.....	4065-1
Pleasure Resort—See "State Parks"	
Plumbers	
Municipal corporation may license.....	3637
Plumbing	
In bakeries	1012
In hotels and restaurants.....	843-10
Regulation by board of health or building department.....	4420
State Inspector	
Appointment of	1261-2
Approval of plans and specifications.....	1261-2
Bond	1261-7
Certificate of approval.....	1261-5
Duties of	1261-3
Duty of owner to comply with notice.....	1261-13
Fees for permit and fixtures installed.....	1261-6
Jurisdiction in municipal corporations.....	1261-3
Not to engage in plumbing business.....	1261-8
Penalty for violation of law.....	1261-14
Permit to install plumbing required.....	1261-6
Prosecutions	1261-15
Qualifications	1261-2
Reports	1261-10
Revocation of certificate of approval.....	1261-5
Right of entry.....	1261-10
Salary and traveling expenses.....	1261-9
Subject to orders of director of health.....	1261-4
Poison	
Definition	12665
Distribution of samples of medicine containing	12664
Exceptions to requirement for label.....	12668, 12671
Labeling compounds containing.....	12667
Penalty depositing on thoroughfare.....	12663
Regulation of sale of.....	12666, 12667
State board of pharmacy to enforce law.....	12671-1

Police Court	
Jurisdiction of property used for municipal purposes.....	4577
Police Officer	
Duty to enforce state health regulations.....	1238
Poor Relief	
Administration of	3391-2
Alien applicants for relief.....	3391-2
Central clearing office for purpose of records.....	3391-2
City constitutes local relief area, when.....	3391-1
Civil action to recover cost of removal of pauper.....	3483
Cost of removal of pauper, how paid.....	3482
County constitutes local relief area.....	3391-1
Defense for non-support of pauper.....	3478
Definitions	3391
Duties of director of public welfare.....	3391-3
How paid	3391-2
Legal settlement defined.....	3477
Liability for medical and hospital service.....	3480-1
Medical and hospital service.....	3480
Medical and hospital service for indigent.....	3484-2
Officers to visit persons requiring relief.....	3481
Order for removal of indigent person.....	3484-1
Removal of indigent person to county of legal settlement.....	3482, 3484
Rules governing administration.....	3391-3
Tax levy for.....	3391-1
Township trustees may act, when.....	3391-1
Trustees and municipal officers shall afford.....	3476
Who considered having legal settlement.....	3479
Who eligible for	3391-2
Who not eligible for.....	3391-2
Portage Lakes	
Designated as state park.....	469
Potassium Cyanide Poisoning	
Description of, as occupational disease.....	1465-68a
Premarital Examination—See "Marriage"	
Prenatal Clinics	
Board of health may establish.....	1261-22
Prepatellar Bursitis	
Description of, as occupational disease.....	1465-68a
Privy Vaults	
For workshops and factories.....	1010
How contents to be disposed of.....	12650
Municipal corporation may regulate use of.....	3647
Regulation of, by board of health or building department.....	4420, 4421
Probate Court	
Certification of birth.....	1261-66
Correction of birth record.....	1261-57
Decree of adoption filed with department of health.....	1261-55
Marriage License	
How and when issued.....	11186, 11188
Issue of, prohibited in certain cases.....	11187

PROBATE COURT; MARRIAGE LICENSE—Continued.

Issued to soliders, etc.....	11186
Waiver of waiting period.....	11188
Order for removal of indigent person.....	3484-1
Procedure in adoption	10512-10 et seq
Procedure to establish record of birth.....	1261-57
Procedure to replace lost or destroyed record of birth.....	1261-57
Probate Judge	
Certificates of births, deaths and stillbirths.....	1261-49
Order for removal of pauper.....	3482
Record of births, deaths and stillbirths.....	1261-49
Procedure	
Abatement of nuisances.....	4421, 4422
Appeal from orders of director of health.....	1257
Combination of general health districts.....	1261-21
Contracts of cities for health services.....	1261-20
Correction of birth record.....	1261-57
Fines and costs, how paid.....	4418
On charge of contaminated or inadequate water supply.....	1252-5
Prosecution by board of health.....	4417
Prosecution by department of health.....	1247
Registration of birth occurring outside of state.....	1261-56
To establish birth record.....	1261-57
To replace lost or destroyed birth record.....	1261-57
To secure payment for quarantine of indigents.....	4438, 4438-1
Union of general and city health districts.....	1261-20
When health commissioner or members of board of health removed	1261-25
Property	
Compensation for destroyed.....	4435
Destruction of infected.....	4434
Prophylactic	
Department of health to provide.....	1248-4
Penalty for failure to use.....	1248-6
Physician must use in eyes of newborn.....	1248-5
Record of use to be made.....	1248-5
Use of, in eyes of newborn.....	1248-4
Prosecuting Attorney	
Action to abate certain nuisances.....	6212-3
Legal advisor of board of health.....	1261-87
Legal advisor of inspector of nuisances.....	12662
Prosecution of actions for industrial commission.....	1465-100
Prosecutions	
By department of health.....	1247
Fines and costs, how paid.....	4418
How instituted by board of health.....	4416
Procedure	4417
Prostitution—See also "Nuisance"	
Abatement and injunction as related to place of.....	6212-1 et seq
Competency of evidence	13031-11
Competency of witness	13031-7
Constitutionality of act.....	13031-18

PROSTITUTION—Continued.

Definition of terms.....	6212-1, 13031-14
First and second degree guilt defined.....	13031-16
Keeping a child in a place of; penalty.....	13031
Maintaining a place for, prohibited.....	13031-13
Medical examination required.....	13031-17
Municipal corporation to suppress.....	3660
"Pandering" defined; penalty.....	13031-1
Place where conducted, defined as nuisance.....	6212-1
Placing a female for immoral purposes; penalty.....	13031-2
Prior conviction and testimony admissible as evidence.....	13031-15
Search warrant	13031-8, 13031-10
Unlawful to keep a place for; penalty.....	13031
Woman probation officer.....	13031-17
Public Employes Retirement System	
Amount and manner of payment.....	486-33b
Beneficiary elects manner of payment.....	486-67
Composition of retirement board.....	486-34
Contribution by employers	486-33f
Contribution of employes	486-33e
Created	486-33
Credit for service.....	486-33b
Deficiency contribution fund	486-68a
Deficiency contribution rate	486-68c
Definitions	486-33c
Disability beneficiaries	486-64
Disability retirement allowance.....	486-63
Election of employe members.....	486-35
Emergency employment of retired persons.....	486-63b
Exemptions from membership.....	486-33
Individual accounts of members.....	486-49
Leave of absence.....	486-65a
Medical examination for disability.....	486-62
Membership compulsory	486-33
Membership in	486-33
Membership shall cease, when.....	486-65a
Method of computing allowance.....	486-63a
Military service, effect of.....	486-47
Normal contribution fund	486-68a
Normal contribution rate	486-68b
Payment on death of contributor.....	486-66
Payments by state to accumulation fund.....	486-68d
Prior service	486-33b
Prior service credit.....	486-47
Rate of contribution.....	486-68
Refund of payments.....	486-33b
Retirement of members	486-59
Statement of retirement board.....	486-33g
Superannuation allowance	486-61
Superannuation retirement	486-60
Withdrawal of contributions.....	486-65

Public Gatherings

Board of health may prohibit.....	4448
-----------------------------------	------

Public Health Council

Advisory to director of health.....	1235
Appeals to	1235
Appointment of	1234
Approval of finding and order of director of health.....	1251
Approval of order to correct pollution of water supply.....	1254
Chairman, how selected.....	1234
Consent to appoint board of health required.....	1261-24
Create divisions and bureaus.....	1235
Duties relative to vital statistics.....	1261-44
Hearing on findings and order of director of health.....	1251
Hearing on pollution of public water supply.....	1253
Hearings to be given, when.....	1235
May prescribe items for certificates of birth, deaths and stillbirths	1261-52
May remove health commissioner.....	1261-25
May remove members of board of health.....	1261-25
Meetings of	1234
Not to exercise administrative or executive duties.....	1235
Per diem of.....	1234
Powers and duties of.....	1235
Procedure on charge of contaminated or inadequate water supply	1252-5
Publication of regulations.....	1236
Qualification of members.....	1234
Quorum	1234
Regulations, how adopted.....	1236
Removal of director of health.....	1236-4
Removal of member of.....	1236-4
Rule-making power	1235
Secretary, how designated.....	1234
Term of office.....	1234
Vacancies, how filled.....	1234

Public Health Manual

Director of health to publish and distribute.....	154-66, 1236-1
Contents of	154-66, 1236-1

Public Health Nurse

Appointment in city health district.....	4411
Appointment in general health district.....	1261-22
Qualifications	4411

Public Institutions

Admission of persons suffering from communicable disease.....	4441
Expense of quarantining.....	4439
Inspection by board of health.....	1261-26
May be registration district.....	1261-46
Refusing entrance of public officials; penalty.....	12933
Removal of infected persons to hospital.....	4444
Right of visitation.....	4665
Superintendent to be registrar of vital statistics.....	1261-47

PUBLIC INSTITUTIONS—Continued.

Temporary buildings for infected persons.....	4443
Use of imitation butter or cheese at.....	12754
Public Library	
Contribution to retirement fund.....	486-33f
Employes of, members of retirement system.....	486-33a
Employes retirement contribution.....	486-33e
Statement of retirement board.....	486-33g
Public Utilities Commission	
Application for increase in water rates.....	1258-1
Investigation of failure to provide toilet room at rail- road station	8927
Penalty for failure to provide toilet rooms at railroad station	8928
Public Water Supply—See "Water Supply"	
Pymatuning Lake	
Designated as state park.....	469
Quarantine	
Board of health may adopt and enforce regulations.....	4425
Board of health to support quarantined persons.....	4436
Cases of communicable diseases.....	4429
County public institution.....	4439
Effect on common carriers.....	4445
Expense of, how paid.....	4436
Guards may be employed.....	4431
How effected	4429
How removed	4429
Medical care of quarantined persons.....	4436
Municipality or township of legal settlement to pay for indigents quarantined.....	4438-1
Penalty for common carrier making misstatement rela- tive to	4446
Persons quarantined not to attend school.....	4437
Regulations affecting common carriers.....	4447
Regulations to be approved by department of health.....	4426
Transportation facilities	4425
When approval of department of health necessary.....	4426
Quarantine Hospital—See "Hospital"	
Quilt—See "Bedding"	
Rabies—See also "Dogs"	
Proceedings by county commissioners.....	5852
Quarantine of dogs.....	5652-16
Reimbursement of person injured by rabid dog.....	5851
Radium Poisoning	
Description of, as occupational disease.....	1465-68a
Railroad	
Toilet room at station required.....	8926
Real Property	
Abatement and injunction, if used for lewd purposes.....	6212-1 et seq

Record Bureau

- Trustees of county or district tuberculosis hospital may
 establish3139-22

Records

- Construction, etc., water supply, filed with department
 of health1252-1
- Each department shall keep.....154-18
- Food in locker plant.....1155-26
- Kept by board of health.....4409

Recreation Center

- Council may maintain and operate.....4065-1

Referees

- Appointment of1257
- Fees and expenses.....1258
- For silicosis cases.....1465-68a
- Powers of1258
- Report of1258
- State agency may appoint.....154-70

Reformatory

- Refusing entrance of public officials; penalty.....12933

Refrigeration

- Locker plant system.....1155-24

Refuse—See "Waste Disposal District"

Registration District—See "Vital Statistics"

Regulations

- Adopted by public health council.....1236
- Board of health, how adopted.....1261-42, 4413
- Buildings in unincorporated communities.....2480
- Certification to secretary of state.....161-1
- Control of gonorrheal ophthalmia.....1248-4
- Control of inflammation of eyes of newborn.....1248-4
- County building regulations to be published.....2482
- Emergency, how adopted.....1261-42, 4413
- Governing construction, etc., of public water supply.....1252-1
- Governing rest homes.....6289-9
- Penalty for violation, of board of health.....4414
- Police and sanitary, for lands outside municipality.....3658-1
- Procedure in adoption of.....1261-42, 4413
- Registration of vital statistics.....1261-44
- Subject matter of.....1261-42, 4413

Report

- Annual and special of board of health.....4476
- Annual, by department of health.....1248
- Annual, by state departments.....154-22

Resolution—See "Ordinance"

Restaurant

- Bed in cook room prohibited.....843-14
- Certificate of physician may be required.....843-6
- Cleanliness of employes.....843-5
- Containers for garbage.....843-5
- Definition of843-2

RESTAURANT—Continued.

Employes to be free of contagious disease.....	843-6
Food protected against flies, etc.....	843-5
Insanity conditions in; penalty.....	12797
Inspection by board of health.....	1261-26
License for	843-3
Plumbing, lighting, ventilation of.....	843-9
Sanitation of	843-5
Sanitation of floors, etc.....	843-12
Sterilization of cooking utensils.....	843-5
Transfer of license.....	843-3
Wash room apart from bakery.....	1013
Water closet apart from bakery.....	1013
Water supply and sewerage for.....	843-10
Rest Home	
Appeal from revocation of license.....	6289-7
Application for license.....	6289-3
Building requirements	6289-4
Certificate to be displayed.....	6289-8
Character and financial responsibility of applicant.....	6289-4
Constitutionality of provisions.....	6289-11
Definition	6289-1
Inspection and report.....	6289-4
License fee	6289-3
License issued upon approval.....	6289-5
License required	6289-2
Penalty for operating without license.....	6289-10
Records and reports.....	6289-6
Revocation or suspension of license.....	6289-7
Rules and regulations for.....	6289-9
Retirement—See "Public Employes Retirement System"	
Right of Entry	
Public officials	12933
Representative of department of agriculture.....	12757
Representative of department of health.....	1236-3
State inspectors of plumbing.....	1261-10
Rivers	
Investigation of uses and pollution of.....	1240-3
Rooming House	
Fumigation of	843-13
Licensed on request.....	843-3
Vermin in	843-12
Rule	
Definition of	154-62
Rules	
Adoption of, by state agencies.....	154-64
Book of, to be sold at cost.....	154-66
Certification to secretary of state.....	161-1
Effect of appeal	154-72
Emergency, adoption	154-64
Governing poor relief.....	3391-3
Procedure, in adoption of.....	154-63

RULES—Continued.

Publication of, by state agencies.....	154-66
Request for published rules.....	154-66
Sanitation, for state parks.....	479
Validity of	154-65
Rules and Regulations	
Amendment of	161-1
Cold storage foods.....	1155-12
Duty of officials to enforce.....	1238
Effective date of.....	161-1
Effect of repeal.....	161-1
Food standards	1177-12
For boards of health.....	1261-42, 4413
For locker plants	1155-27
For tuberculosis hospitals	3139-10
For waste disposal districts.....	3295-5
Salamander	
Giving off obnoxious gases prohibited; penalty.....	12798-6
Sanatoria—See "Tuberculosis Hospitals"	
Sanitary Board	
Appointment of	4472
Compensation and powers.....	4474
Members, how chosen.....	4473
Sanitary Code	
Application of provisions.....	1236
Public health council to adopt.....	1235
Sanitary District	
Board of directors to prepare plans.....	6602-46
Employes, members of retirement system.....	486-33c
Establishment of	6602-35
Objections to plans to be heard by judges.....	6602-46
Plans for improvements, etc., to be approved by de- partment of health.....	6602-46
Publication of notice	6602-46
Purposes for which established.....	6602-35
Sanitary Dumps	
Board of health to approve location.....	3282
Township trustees may provide.....	3282
Sanitary Officers	
Board of health may appoint.....	4411
Sanitary Plant	
Appointment of sanitary board.....	4472
Approval of department of health required.....	4469
Council may contract for or construct.....	4469
Definition	4467
Plans and real estate for.....	4468
Wastes to be disposed of at.....	4469
Sanitation	
Requirements for bakeries.....	1090-24, 1090-30
Requirements for barber shops.....	1081-21
Requirements for beauty shops.....	1082-20
Requirements for workshops and factories.....	1009

Scarlet Fever—See also "Communicable Disease"	
Cases to be quarantined.....	4429
Cases to be reported.....	4427
Control of, in public institution.....	4442
Disposal of body dead from.....	4440
Scavengers	
Board of health may employ.....	4463
School Children—See also "Schools"	
Medical and dental supervision.....	1261-26
School Property	
Abatement of nuisance on.....	4424
Schools	
Age and Schooling Certificate	
Duty of employer.....	4851
Examination by health commissioner, when.....	4851-1
Minors required to have.....	12993-2
Requirements before issue.....	4851-1
School physician to examine applicants.....	4851-1
Superintendent only may issue.....	4851
Appropriation of land for school purposes.....	4834-11
Board of health may close.....	4448
Classification of school districts.....	4830
Definitions	
City school district.....	4830-1
County school district.....	4830-4
Exempted village school district.....	4830-3
Local school district.....	4830-2
Enumeration	
Crippled children to be separately listed.....	4853-9
County auditor to certify.....	4853-9
Expenses of schools for tubercular pupils, how paid.....	4836-7
For tubercular pupils.....	4836-6
Inmates of quarantined house not to attend.....	4437
Inspection	
Appointment of school dentist.....	4838-6
Appointment of school physician.....	4838-6
Appointment of trained nurse.....	4838-6
Board of health to make examinations, when inspection not provided.....	4838-10
By board of health.....	1261-26, 4448
By department of industrial relations.....	1031
Compensation of physician, dentist and nurse.....	4838-6, 4838-9
Cooperation with general health district.....	4838-9
Duties of school dentist.....	4838-6
Duties of school physician.....	4838-8
Examination by private physician.....	4838-8
Examination of pupils, teachers and employes.....	4838-8
Exemption from medical examination.....	4838-10
Power may be delegated to board of health.....	4838-6
Qualifications of physician, dentist and nurse.....	4838-6
Record of examinations to be kept by physician.....	4838-8

SCHOOLS; INSPECTION—Continued.

Superintendent of public instruction to prescribe form of records	4838-8
Two or more school districts may combine.....	4838-9
Institutions not to be located near.....	4838-11
Instruction provided for tubercular pupils.....	4836-7
Lunch rooms	4839-6
Territory in district shall be contiguous.....	4830-5
Transportation of crippled children.....	4855
Vaccination and immunization of pupils.....	4838-5
Seal	
Departments shall adopt.....	154-18
Use of, on official documents.....	154-18
Secretary of State	
Bond and oath of office filed with.....	154-14
Rules and regulations to be certified to.....	154-64, 161-1, 1236
Rules to be filed, indexed and recorded.....	154-65, 101-1
Service Connections	
How made in municipalities.....	3812-1
Sewage	
Disposed of, at sanitary plant.....	4469
Pollution of streams by.....	1249
Sanitary districts to collect and dispose of.....	6602-35
Sewage Disposal	
Appropriation of land for.....	4834-11
Approval of plans for.....	1240
Department of health to have general supervision.....	1240-2
For conservancy district	6828-12
For sanitary district	6602-35
Laboratory examination of effluents.....	1241
Records to be kept and reported.....	1240-2
Sewage Disposal Works	
Municipal corporation may provide.....	3647
Sewage Treatment Works	
Appointment of operator of.....	1256
Approval of plans for.....	1240
Supervision and operation inadequate.....	1255
Sewerage	
Approval of plans for.....	1240
City engineer to devise plan.....	3871
Sewer District	
County	
Appeal from order to install water supply.....	6602-29
Appeal when order not acceptable.....	6602-8e
Complaint of insanitary conditions.....	6602-8d
Complaint of unsafe water supply in.....	6602-28
Investigation and finding.....	6602-8d
Order to establish district.....	6602-8d
Order to install water supply.....	6602-28
Procedure when order to establish district not com- plied with	6602-8f

SEWER DISTRICT; COUNTY—Continued.

Procedure where order to install water supply is not complied with	6602-30
Prosecution for failure to comply with order to estab- lish district	6602-8g
Prosecution for failure to install water supply.....	6602-31
Sewers	
Municipal corporation may provide.....	3647
Service connections	3812-1
Sewer Tappers	
Municipal corporation may license.....	3637
Sexton	
Burial permit required.....	1261-63
Disposition of burial permit.....	1261-63
Endorsement of burial permit.....	1261-63
Record of interments.....	1261-63
Sheriff	
Duty to enforce state health regulations.....	1238
Show Cases	
In bakery	1090-31
Sidewalks	
Construction and care.....	3853
Silicosis	
Claims for compensation.....	1465-68a
Compensation for disability or death.....	1465-68a
Description of, as occupational disease.....	1465-68a
Referees	1465-68a
Skin Inflammation	
Description of, as occupational disease.....	1465-68a
Slaughter House	
Insanitary condition in; penalty.....	12797
Inspection by board of health.....	4459
Sleeping Room	
Prohibited in bakery.....	1016
Smallpox—See also "Communicable Disease"	
Admission of person afflicted with into prison, etc.....	4441
Cases to be quarantined.....	4429
Cases to be reported.....	4427
Control of, in public institution.....	4442
Disposal of body dead from.....	4440
Vaccination for	4449
Vaccination of pupils in public schools.....	4838-5
Smoking	
Prohibited in cannery.....	1090-11
Social Security Act	
Funds appropriated to county welfare department.....	2511-10
Soft Drinks	
Labeling bottles	1089-12
Lighting and ventilation of buildings.....	1089-13
Solution for cleaning containers.....	1089-12
Sterilizing containers and apparatus.....	1089-12
Spanish Fever	
Permitting cattle affected with, to run at large.....	13374

Spitting	
On floors in cannery.....	1090-11
Spring	
Penalty for defiling.....	12654
State Board of Barber Examiners	
See "Barber Shops".....	1081-21
State Board of Cosmetology	
Revocation of licenses.....	1082-20
State Board of Health—See "Department of Health"	
State Board of Pharmacy	
Duty to enforce laws relating to sale of poisons.....	12671-1
State Commissioner of Health—See "Director of Health"	
State Department of Health—See "Department of Health"	
State Employes Retirement System—See "Public Em- ployes Retirement system"	
State Fire Marshal	
Inspection of hotels and restaurants.....	843-3
Inspection of rest homes.....	6289-4
License for hotels and restaurants.....	843-3
Notices, how served.....	843-14
State Hospital	
May be registration district.....	1261-46
Superintendent to be registrar of vital statistics.....	1261-47
State Inspector of Plumbing—See also "Plumbing"	
Duties transferred to department of health.....	154-43
State Institutions	
Cooperative tests for.....	1850
Duty of officials to enforce health regulations.....	1238
Penalty for maintaining certain businesses near.....	12655
State Insurance Fund—See "Industrial Commission of Ohio"	
State Parks	
Drainage into reservoir prohibited.....	479
Duties of conservation commissioner.....	479
Duties of patrolmen.....	479
Garbage disposal	479
Penalty for violation of rules.....	479-1
Powers and duties of department of health.....	479
Prosecutions	479
Sanitation rules for	479
Special sanitary districts.....	479
State reservoirs designated as.....	469
State Tax Commission	
Review of application for emergency funds.....	1259-1
Sterilization	
Containers in cannery.....	1090-14
Stillbirths—See "Vital Statistics"	
Stockyards	
Sanitation of	1177-76
Stores	
Inspection by board of health.....	1261-26
Stream Channels	
Sanitary districts to clean and improve.....	6602-35

Stream Flow	
Sanitary districts to regulate.....	6602-35
Stream Pollution	
Appointment of referees.....	1257
Finding and hearing.....	1250
Investigation of complaint.....	1249
Nuisance resulting from.....	1249
Order for abatement.....	1251
Penalty for failure to comply with order of director of health	1260
Procedure to abate.....	1249
Sanitary district to prevent and correct.....	6602-35
Supreme court may reverse, vacate or modify order of director of health.....	1258-2
Streams	
Investigation of uses and pollution.....	1240-3
Penalty for depositing refuse in.....	12647
Streets	
Municipal corporation may establish and care for.....	3629
Supervision and control by council.....	3714
Subsidy	
Certification by board of health.....	1261-39
City health districts contracting for services.....	1261-20
Deducted from approved budget.....	1261-40
Procedure in payment of.....	1261-39
State, for health districts.....	1261-39
When city contracts for health services.....	1261-20
Sulphur Dioxide Poisoning	
Description of, as occupational disease.....	1465-68a
Supreme Court	
Appeal on orders of director of health.....	1258-3
May reverse, vacate or modify order of director of health.....	1258-2
No other court can review, suspend or delay order.....	1258-6
Procedure on appeal on orders.....	1258-5
Transcript of record to be certified.....	1258-4
Sweat Shops	
Regulation of	1020
Water closets for each sex.....	1022
Work rooms separate from sleeping rooms.....	1021
Syphilis—See "Venereal Disease"	
Tankage Plant	
License to operate.....	1177-60
Tax	
Against owner or real property used as place of pros- titution, etc.	6212-9
Maximum of municipal.....	3785
Tax Commission of Ohio	
Approval required to borrow money during epidemic.....	2298-7
Tax Levy—See also "Temporary Legislation" Page 334	
For poor relief.....	3391-1
For support of tuberculosis hospital.....	5625-15

TAX LEVY—Continued.

For waste disposal district.....	3295-3
To compensate free public hospital.....	4021
Tenosynovitis	
Description of, as occupational disease.....	1465-68a
Theaters	
Inspection by department of industrial relations.....	1031
Tobacco Factory	
Regulation of places where manufactured.....	1020
Water closets for each sex.....	1022
Work rooms separate from sleeping rooms.....	1021
Toilet Room	
Investigation of failure to provide at railroad station.....	8927
In waiting room at railroad station.....	8926
Penalty for failure to provide at railroad station.....	8928
Toilets	
For cannery	1090-9
Where females employed.....	1009
Township	
Contribution to retirement fund.....	486-33f
Employees, members of retirement system.....	486-33a
Employees retirement contribution.....	486-33e
Primary registration district for vital statistics.....	1261-46
Statement of retirement board.....	486-33g
Township Clerk	
Administrator of waste disposal district.....	3295-5
Bond of, in waste disposal district.....	3295-6
Compensation of, in waste disposal district.....	3295-6
Registrar of vital statistics.....	1261-47
Trustees may appoint deputy.....	3299-1
Township Officers	
Duty to enforce state health regulations.....	1238
Township Trustees	
Burial grounds may be transferred to.....	3471
Burial of unclaimed bodies.....	3495
Claims for loss of animals.....	5840 et seq
Complaint of stream pollution.....	1249
Contract for collection and disposal of garbage and refuse	3295-1
Defense for non-support of pauper.....	3473
Disposal of animals dead from contagious disease.....	12781
Liability for medical and hospital service for indigents.....	3480-1
May appoint deputy clerk.....	3299-1
May create waste disposal districts.....	3495-2
May provide sanitary dumps.....	3282
Medical and hospital service as poor relief.....	3480
Not liable for damages in waste disposal.....	3295-4
Officers to visit persons requiring relief.....	3481
Poor relief	3476
Procedure to secure removal of indigent person.....	3484-1
Rates for service in waste disposal district.....	3295-3
Removal of indigent person to county of legal settlement.....	3484

TOWNSHIP TRUSTEES—Continued.

Rules and regulations for waste disposal districts.....	3295-5
Tax levy for waste disposal district.....	3295-3
To pay expense of indigent quarantined in another city or township	4438-1
Who considered as having legal settlement.....	3479
Trachoma Clinics	
Board of health may establish.....	1261-22
Tuberculosis—See also "Ohio State Sanatorium"; "Tu- berculosis Hospital"	
Board of health may hospitalize cases, when menace to public	3139-20
Cases of, not to be kept in county home.....	3139-21
Contract for care of tuberculosis cases.....	3139-18
Disinfection	4433
Employes of hotel or restaurant.....	843-6
Expenses of schools for tubercular pupils, how paid.....	4836-7
Instruction for tubercular pupils.....	4836-7
Record bureau for cases.....	3139-22
Removal of cases of, from county home.....	3139-21
Report of cases to record bureau.....	3139-22
Schools for tubercular pupils.....	4836-6
Service of teacher or employe having, to be discontinued.....	4838-8
Tuberculosis Clinics	
Board of health may have charge of.....	3139-16, 3139-19
Board of trustees for.....	3139-19
County commissioners may establish, when.....	3139-19
Employes may attend conferences.....	3139-17
How established and conducted in connection with hospitals.....	3139-16
Physicians, nurses, etc., for.....	3139-19
Tuberculosis Hospital—See also "Temporary Legislation," Page 334	
County	
Annual report of trustees.....	3139-13
Appropriation for maintenance.....	3139-12
Board of trustees for.....	3139-13
Bond of trustees.....	3139-13
County commissioners may establish.....	3139-11
Depository for hospital funds.....	3139-13
Disposition of moneys paid by patients.....	3139-13
District hospital may be purchased by commissioners.....	3139-15
Enlargement, repairs and improvements.....	3139-12
Employes may attend conferences.....	3139-17
Funds for site and buildings.....	3139-11
Gifts, legacies, devises, etc.....	3139-11
In county in hospital district.....	3139-14
Instruction for tubercular children.....	4836-7
Law, applicable to district hospitals shall apply.....	3139-13
Location, plans, etc., to be approved.....	3139
May contract for care of tuberculosis cases.....	3139-18
May establish tuberculosis clinic.....	3139-16
Powers and duties of trustees.....	3139-13
Support of patients at state sanitorium.....	1815-15

TUBERCULOSIS HOSPITALS: COUNTY—Continued.

Tax levy for support of.....	5625-15
Trustees may establish record bureau.....	3139-22
Definition "Maintenance, care and treatment".....	3139
Department of health has general supervision.....	3139
District	
Admission of additional county.....	3139-7
Annual report of trustees.....	3139-3
Appointment of medical superintendent.....	3139-10
Appointment of physicians, nurses, etc.....	3139-10
Appointment of trustees.....	3139-3
Apportionment of cost of construction.....	3139-5
Apportionment of current expense.....	3139-5
Appropriation for current expenses.....	3139-5
Appropriation of land.....	3139-4
Approval of formation of.....	3139
Board of trustees.....	3139-3
Bond of trustees.....	3139-6
Commissioners may borrow money and sell bonds.....	3139-5
Contract for patients outside of district.....	3139-2
Cost of care and treatment, how paid.....	3139-10
Counties excluded from district.....	3139-1
Depository for hospital funds.....	3139-6
Duties of medical superintendent.....	3139-10
Electors may petition for.....	3139-1
Employees may attend conferences.....	3139-17
Expenses of county commissioners.....	3139-1
Funds for site and construction.....	3139-1
Grants, devises, bequests, etc.....	3139-4
Instruction for tubercular children.....	4836-7
Joint board of county commissioners.....	3139-1
Location, plans, etc., to be approved.....	3139
May contract for care of tuberculosis cases.....	3139-18
May establish tuberculosis clinic.....	3139-16
Organization of board of trustees.....	3139-3
Procedure to establish.....	3139-1
Procedure, when necessary to secure new site, buildings, etc.	3139-9
Purchase by county commissioners.....	3139-15
Purpose of hospital.....	3139-2
Rules and regulations for.....	3139-10
Selection of site, plans, etc.....	3139-4
Support of patients at state sanatorium.....	1815-15
Tax levy for support of.....	5625-15
Trustees may establish record bureau.....	3139-22
Trustees to disburse funds.....	3139-6
Withdrawal of county from district.....	3139-8
Formation of district to be approved.....	3139
Municipal	
Employees may attend conferences.....	3139-17
Location, plans, etc., to be approved.....	3139
May contract for care of tuberculosis cases.....	3139-18

TUBERCULOSIS HOSPITALS; COUNTY—Continued.

Ohio State Sanatorium	
Admission and discharge of patients.....	1841, 2055
Apportionment of patients to counties.....	2055
Care, education and treatment of children.....	2068-1
Disposition of receipts.....	2072
Duty of superintendent.....	2068
Expense to be paid by county.....	1816
Gifts, legacies, etc.....	2071
Monthly reports to state auditor.....	2072
Out-door labor for patients.....	2070
Probation period for patients.....	2069
Purpose of institution.....	2054
Rates for care, treatment, etc.....	2068
Support of patients.....	1815-13
Support of patients, how determined.....	1815-14
Who entitled to admission.....	2068
Plans for, to be approved.....	3139
Private	
Approval of, by department of health.....	3139-18
Contract for care of tuberculosis cases.....	3139-18
Typhoid Fever—See also "Communicable Disease"	
Cases to be reported.....	4427
Laboratory examinations for.....	1241
Typhus Fever—See also "Communicable Disease"	
Cases to be quarantined.....	4429
Cases to be reported.....	4427
Disposal of body dead from.....	4440
Upholstered Article—See "Bedding"	
Upholstered Spring—See "Bedding"	
Utensils	
Care of in cannery.....	1090-14
Vacancy	
Board of health, how filled.....	1261-17, 4406
Members, board of health removed by public health council	1261-25
Public health council, how filled.....	1234
Vacation	
State employes entitled to.....	154-20
Vaccination	
Board of health may provide.....	4449
Of pupils in public schools.....	4898-5
Vault Cleaners	
Municipal corporation may license.....	3637
Vehicles	
Municipal corporation may regulate use of.....	3632
Venereal Disease	
Board of health may provide treatment.....	1261-28
Clinics for treatment of.....	1261-28
Duty of board of health.....	1261-28
Employe in hotel or restaurant.....	843-6

VENEREAL DISEASE—Continued.

Free treatment of cases.....	1261-26
Quarantine of carriers.....	1261-28
Ventilation	
Hotels and restaurants.....	843-10
Of bakeries	1012
Of canneries	1090-8
Vermin	
In hotel or restaurant.....	843-12
Veterans	
Information of, required in certificate of death.....	1261-61
Veterinarian	
Certificate of, cows free from tuberculosis.....	4459
Certificate to practice.....	1177-16e
Duty of, as to infected animals.....	1114
Inspection of stockyards.....	1177-76
Revocation of certificate.....	1177-16e
Village—See also "Municipal Corporation"	
Primary registration district for vital statistics.....	1261-46
Vital Statistics	
Adoptions	
Certification of birth issued.....	1261-55
Decree of, filed with department of health.....	1261-55
Original birth certificate not public record.....	1261-55
Births	
Certification of	1261-66
Certified copy of certificate.....	1261-66
Content of certificate.....	1261-52
Correction of birth certificate.....	1261-57
Foundlings	1261-53
How and by whom reported.....	1261-52
Illegitimate	
How recorded	1261-52
Legitimation of	1261-52a
Name of child.....	1261-52
In maternity hospitals to be reported.....	6265
Record of, in maternity hospital.....	6266
Registrar to secure information.....	1261-52
Registration of, occurring outside of state.....	1261-56
Registration of unrecorded.....	1261-57
Where registered	1261-52
Board of health may create system.....	4419
Burial Permit	
Not issued until certificate completed.....	1261-48
Certificates	
Amended certificate may be accepted.....	1261-65
Certified copies, how and when made.....	1261-66
Copies for local record.....	1261-49
Correction of statements.....	1261-65
Facsimile signatures prohibited.....	1261-64
Of birth	1261-52
Of death	1261-61
Of foundling child.....	1261-53

VITAL STATISTICS; CERTIFICATES—Continued.

Of illegitimate child	1261-52
Of stillbirth	1261-58
Original, sent to department of health.....	1261-49
Printed or typewritten.....	1261-64
Separate series for births, deaths and stillbirths.....	1261-49
Signatures written in unfading ink.....	1261-64
To be completed before filing.....	1261-48
Transmitted to health commissioner.....	1261-49
Certification of births and deaths occurring outside of county of residence.....	1261-56
City Health District	
Records kept at board of health office.....	1261-47
Deaths	
Bodies from outside of state; procedure.....	1261-60
Burial permit required.....	1261-59
Certificate of death.....	1261-61
Certified copy of certificate.....	1261-66
Content of certificate.....	1261-61
Coroner to sign certificate, when.....	1261-62
Duty of funeral director.....	1261-62
Informant's signature on certificate.....	1261-62
Information regarding veterans.....	1261-61
Inquest by coroner when certificate not filed.....	6269
Of veterans certified to adjutant general and county recorder	1261-50
Physician to sign certificate.....	1261-62
Report of, in maternity hospital.....	6268
Sexton to require burial permit.....	1261-63
Transit permit to accompany body.....	1261-60
Transportation of dead bodies.....	1261-60
Deputy registrars	1261-47
Director of health to prescribe forms, blanks, etc.....	1261-45
Duties regarding, transferred to department of health.....	154-43
Foundling Child	
Procedure to secure record of.....	1261-53
Forms prescribed by state to be used.....	1261-45
Illegitimate Child	
Procedure to legitimate.....	1261-52a
Index of certificates of birth, deaths and stillbirths.....	1261-50
Penalty for violation.....	1261-68
Probate judge to receive copies of certificates, when.....	1261-49
Quarters and vault for records.....	1261-44
Registrars	
Appointment of deputy.....	1261-47
Appointment of local.....	1261-47
Deaths from communicable disease.....	1261-49
Detail for handling certificates.....	1261-49
Distribution of forms, etc.....	1261-48
Duty to require completion of certificates before filing.....	1261-48
Duty to secure information concerning births.....	1261-52
Fees, how paid.....	1261-51

VITAL STATISTICS; REGISTRARS—Continued.

For combined districts.....	1261-47
Funeral director or embalmer may not be.....	1261-47
May issue certification of birth.....	1261-66
Original certificates sent to health commissioner.....	1261-49
Removal of	1261-67
Supplemental report of name of child.....	1261-54
To issue burial permit.....	1261-59
Registration Districts	
Combination of primary.....	1261-46
Primary districts established.....	1261-46
State hospital or public institution may be.....	1261-46
Registration system in conflict prohibited.....	1261-44
Regulations to be adopted.....	1261-44
Report of deaths to election board.....	4785-46
State registration of.....	1261-44
Stillbirths	
Burial permit required.....	1261-58
Certified copy of certificate.....	1261-66
Content of certificate.....	1261-58
Definition	1261-58
How recorded	1261-58
Transcripts, how secured.....	1261-66
Waiting Room	
Required at railroad stations.....	8926
Toilets required in.....	8926
Wash Room	
Apart from bakery.....	1013
In plants manufacturing lead.....	6330-3
Waste Disposal	
Township trustees may contract for.....	3295-1
Waste Disposal District	
Bond of clerk-treasurer.....	3295-6
Collection of delinquent accounts.....	3295-7
Compensation of clerk.....	3295-6
Creation of, by township trustees.....	3295-2
Funds, how handled.....	3295-5
Maintenance of.....	3295-3
Rules and regulations for.....	3295-5
Township clerk to administer.....	3295-5
Trustees may fix rates for service.....	3295-3
Trustees may levy tax.....	3295-3
Trustees not liable for damages.....	3295-4
Wastes	
Council may contract for disposal of.....	4470
Depositing into lake, stream, etc.; penalty.....	12647
Disposal of, at sanitary plant.....	4469
Removed daily from cannery.....	1090-6
Water	
Council may regulate price of.....	3982
Service connections.....	3812-1

Water Closets	
Apart from bakery.....	1013
Municipal corporation may regulate use of.....	3647
Regulation by board of health or building department.....	4420, 4421
Where females employed.....	1009
Water Company	
Additional rates for water service.....	1258-1
Watercourse	
Municipal corporation may maintain.....	3647
Water Purification Works	
Appointment of operator of.....	1256
Approval of plans for.....	1240
Supervision and operation where inadequate.....	1255
Water Rates	
May be increased if necessary to comply with order.....	1258-1
Waters	
Investigation of uses and pollution.....	1240-3
Water Supply—See also "Ohio Water Supply Board"	
Additional rates for water service.....	1258-1
Analyses required at intervals.....	1252-2
Appointment of referees.....	1257
Approval of plans for.....	1240
Complaint of impure.....	1252
Conservancy district may provide.....	6828-12
Council of municipality may provide.....	3955
Cross-connections prohibited.....	1252-3
Definition	1252-1
Department of health to have supervisory control.....	1252-1
Finding and hearing on pollution.....	1253
In county sewer district.....	6602-28
Investigation by department of health.....	1252-1
Jurisdiction of municipality to prevent pollution.....	12784
Laboratory examination of public.....	1241
Municipal corporation may provide.....	3619
Notice from director of health when contaminated or inadequate	1252-4
Notice of hearing on pollution of.....	1253
Order to correct pollution.....	1254
Order to remove source of pollution.....	1251
Penalty for failure to comply with order of director of health	1252-6
Pollution of, by sewage.....	1249
Procedure when contaminated or inadequate.....	1252-4
Records of analyses required.....	1252-2
Records of construction, etc., filed with department of health	1252-1
Regulations governing construction, etc.....	1252-1
Sanitary districts may provide.....	6602-35
Supreme court may reverse, vacate or modify order of director of health.....	1258-2

Water Works Fund	
Disposition of surplus.....	3959
Water Works Intake	
Approval of plans for.....	1240
Water Works System—See also “Water Supply”	
Definition	1252-1
Wearing Apparel	
For bakery employes.....	1090-25
For cannery employes.....	1090-13
Regulation of places where made.....	1020
Work rooms separate from sleeping rooms.....	1021
Weeds	
County auditor to collect cost as tax.....	4245-4
Fee for service of notice.....	4245-2
Notice to cut in municipality.....	4245-1
Procedure when owner fails to comply with notice.....	4245-3
Welfare—See “County Department of Welfare”	
Welfare Advisory Board—See “County Department of Welfare”	
Wells	
Penalty for defiling.....	12654
Wholesome Food	
Definition	1155-6
Wiping Rags	
For workshops and factories.....	1011-1
Penalty for not providing.....	1011-1
Wood Alcohol Poisoning	
Description of, as occupational disease.....	1465-68a
Work Camp	
Control of communicable disease in.....	4436-1
Workhouse	
Inspection by board of health.....	1261-26
Inspection by health commissioner.....	1261-31
Physical examination of inmates.....	1261-31
Workshops and Factories	
Bakeries	1012
Dressing rooms where females employed.....	1009
Duties of chief inspector.....	1011
Penalty for insanitary conditions.....	1011
Penalty for not providing wiping rags.....	1011-1
Sanitary requirements when water supply and sewerage absent	1010
Sanitary wiping rags.....	1011-1
Sanitation of.....	1009
Tobacco goods.....	1020
Toilets where females employed.....	1009
Water closets for each sex.....	1022
Water closets where females employed.....	1009
Wearing apparel.....	1020

Yellow Fever—See also "Communicable Disease"

Cases to be quarantined	4429
Cases to be reported	4427
Control of, in public institution.....	4442
Disposal of body dead from.....	4440

Zinc Poisoning

Description of, as occupational disease.....	1465-68a
--	----------

OHIO PUBLIC HEALTH MANUAL

Part II

OHIO SANITARY CODE

Regulation 1. **(Declaration of adoption of sanitary code and repeal of existing rules and regulations.)** The public health council of the state department of health of Ohio hereby adopts this and the following regulations and declares the same, with such additions and amendments as may hereafter be made, to be the Ohio sanitary code.

The regulations herein set forth shall take effect and be in force on and after July 1, 1920, and on that date all rules and regulations heretofore adopted by the state board of health or by the public health council shall be, and the same are hereby repealed.

Adopted May 14, 1920; effective July 1, 1920.

MORBIDITY REPORTS

Regulation 2. **(Diseases, disabilities and infestations to be reported.)** The diseases, disabilities and infestations herein named and classified as "Class A" and "Class B" are declared to be dangerous to the public health, are made notifiable, and the occurrence of cases or suspected cases in Ohio shall be reported as provided in the following regulations. The diseases, disabilities and infestations herein named and classified as "Class C" are only required to be reported when they occur in unusual prevalence in a health district.

CLASS A

Actinomycosis	Dysentery, bacillary
Anthrax	Encephalitis infectious (lethargic and nonlethargic)
Botulism	Epidemic diarrhea of the newborn
Chickenpox (varicella)	Erysipelas
Chancroid	Favus
Cholera	Food infections and poisonings
Dengue	Foot and mouth disease (in man)
Diphtheria	German measles (rubella)
Dysentery, amebic (amebiasis)	

Glanders	Psittacosis
Gonorrhea	Puerperal infection (puerperal septicemia)
Gonorrheal ophthalmia	Rabies (in man)
Hookworm disease (ancylostomiasis)	Rocky Mountain spotted (or tick) fever
Inflammation of the eyes of newborn (ophthalmia neonatorum)	Scarlet fever (scarlatina)
Influenza	Septic sore throat
Leprosy	Smallpox (variola)
Lymphogranuloma venereum, granuloma inguinale, and climatic bubo	Syphilis
Malaria	Tetanus
Measles (rubeola)	Trachoma
Meningococcus meningitis (cerebro-spinal fever)	Trichinosis
Milk sickness	Tuberculosis, pulmonary
Mumps (infectious parotitis)	Tuberculosis, other than pulmonary
Paratyphoid fever	Tularemia
Pellagra	Typhoid fever
Plague, bubonic, septicemic, pneumonic	Typhus fever
Pneumonia, acute lobar	Undulant fever (brucellosis)
Poliomyelitis	Whooping cough (pertussis)
	Yaws (frambesia)
	Yellow fever

CLASS B

Occupational Diseases (G. C. 1243-1)

Aniline poisoning	Lead poisoning
Arsenic poisoning	Mercury poisoning
Benzine (gasoline) poisoning	Naphtha poisoning
Benzol poisoning	Natural gas poisoning
Brass poisoning	Phosphorus poisoning
Carbon monoxide poisoning	Turpentine poisoning
Compressed-air illness	Wood alcohol poisoning
Dinitrobenzine poisoning	

CLASS C

Ascariasis	Hemorrhagic jaundice (spirochetosis icterohemorrhagic, Weil's disease)
Coccidioidomycosis	Impetigo contagiosa
Common cold	
Filariasis	

Pediculosis (lousiness)	Schistosomiasis
Rat-bite fever (sodoku)	Vincent's infection (Vincent's an-
Relapsing fever	gina, ulcerative or necrotic
Ringworm (dermatophytosis)	stomatitis trench mouth)
Scabies (the itch)	

Adopted May 14, 1920; amended June 20, 1943; effective August 1, 1943.

Regulation 2a. (Reports of diseases, disabilities and infestations.)

In reporting diseases, disabilities and infestations required by law or by regulation of the state department of health or by regulation of a local board of health to be reported, physicians, health commissioners and other persons whose duty it is to make such reports shall conform to the nomenclature of the international list of causes of death in so far as possible. When report of a disease, disability or infestation is received by a health commissioner which does not conform to the aforesaid list said health commissioner shall bring the matter to the attention of the person making the report and shall have the report changed to conform to the approved nomenclature. When a report contains the names of two or more distinct diseases, disabilities or infestations, no matter what their inter-relation in the patient may be, a separate report shall be made for each disease affecting the patient during the period of illness covered by the report.

Adopted August 14, 1925; amended June 21, 1942; effective August 15, 1942.

Regulation 2b. (Report of bite or injury by dog or other animal.) Whenever a person is bitten or injured by a dog, cat or other animal, prompt report of such bite or injury shall be made to the health commissioner of the health district in which such bite or injury occurred. The report herein required shall be made by the physician called to treat such bite or injury when medical care and treatment were necessary, or, if such injured person is received at a hospital or dispensary for treatment, the report herein required shall be made by the superintendent or person in charge of such hospital or dispensary. Where a physician is not consulted or the person is not taken to a hospital or dispensary, the report shall be made by the person bitten or injured or by any other person who has knowledge of the facts.

Adopted January 14, 1940; effective February 15, 1940.

Regulation 2c. (Report by veterinarian.) Whenever a veterinarian shall be called upon to examine a dog, cat or other animal that has bitten or injured a person, he shall promptly report the

result of his examination to the health commissioner within whose jurisdiction the dog, cat, or other animal is found. Any dog, cat or other animal inflicting a bite or injury shall be confined in the county dog pound or be placed under the care and supervision of a veterinarian until it shall be determined that the animal is not afflicted with rabies. The isolation period hereby required shall not be less than ten (10) days from the date the person was bitten or injured.

Adopted January 14, 1940; effective February 15, 1940.

Regulation 3. (Who shall report.) Every physician practicing in the state of Ohio shall be primarily responsible for submitting the report of a case of notifiable disease, disability or infestation in any person attended by him. If no physician is in attendance, a nurse, midwife or other person is hereby made responsible for submitting the report of any suspected or recognized case of notifiable disease, disability or infestation, the head of the household, the proprietor, lessee or other person in charge of the hotel, rooming house, lodging house, camp, or place of similar character, the superintendent or other person in charge of any public, private or parochial school, public, semi-public or private institution, shall be responsible for immediately submitting a report of such case in any person who is a member of the household, a guest, boarder, roomer, lodger, or employe of the hotel, rooming house, lodging house, or place of similar character; or a pupil, attendant, employe or inmate of any public, private or parochial school, public, semi-public or private institution.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 4. (Reports from dispensaries, clinics, hospitals, etc.) A physician attending patients at a dispensary, clinic, hospital, asylum, or other public, semi-public or private institution may in writing authorize the superintendent or other officer or person in charge to submit the reports of cases of notifiable diseases, disabilities or infestations in persons attended by him at the dispensary, clinic, hospital, asylum or other public, semi-public or private institution, but under no other circumstances shall a physician be relieved of the primary responsibility of reporting cases of notifiable diseases, disabilities or infestations in persons attended by him. The reports of cases of notifiable diseases, disabilities or infestations authorized to be submitted by the superintendent or other officer or person in charge of a dispensary, clinic, hospital, asylum, or other public, semi-public or private institution shall be submitted in writing on the

standard report blanks within the same time limitations as required for reports from physicians.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 5. **(Information to be given; time limit.)** Each report of a case of notifiable disease, disability or infestation shall state the disease, disability or infestation and the name, address, age, sex, and color of the patient. Each report, if made by a physician, nurse, midwife or other person shall be submitted in writing to the health commissioner within whose jurisdiction such case occurs, within twelve hours after the existence of the case of notifiable disease, disability or infestation is known or reasonably suspected, except that reports of cases of inflammation of the eyes of the newborn and gonorrheal ophthalmia shall be submitted within six hours, as required by section 1248-2 of the General Code.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 6. **(Telephone reports.)** In lieu of the written reports from physicians required in regulation 5, the state director of health may, upon request from a health commissioner, authorize him to accept from physicians within his district verbal reports by telephone or otherwise, within the same time limitations as required for written reports, except that all reports of cases of venereal diseases shall be in writing. No approval of a request for the exemption of physicians from the requirement of submitting written reports shall be given until the health commissioner has filed with the state director of health an agreement to fill in on standard report blanks the information from each and every verbal report received by such commissioner, and to forward such reports to the state department of health in the same manner as prescribed for written reports from physicians.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 7. **(Health commissioner to forward reports on standard form.)** It shall be the duty of each health commissioner to have filled in on standard report blanks and forwarded to the state department of health the information from all reports of suspected or recognized cases of notifiable diseases, disabilities or infestations from persons not required to submit reports in writing,

provided such cases are actual cases of notifiable diseases, disabilities or infestations.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 8. **(Reports from death certificates.)** Each health commissioner shall ascertain from the reports of deaths from contagious or communicable diseases submitted by local registrars of vital statistics and from the examination of all death certificates submitted to him any unreported cases of notifiable diseases, disabilities or infestations, and shall fill in standard report blanks for such unreported cases and forward such reports to the state department of health in the same manner as other reports of cases of notifiable diseases, disabilities or infestations, except that the health commissioner shall record on such reports "First report by death notice."

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 9. **(Time for forwarding reports.)** On Monday of every week each health commissioner shall forward to the state department of health all reports of cases of notifiable diseases, disabilities and infestations received during preceding days, accurate records having been made from such reports and duplication of reports having been eliminated as far as possible.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 10. **(Special reports.)** Each health commissioner shall submit promptly to the state department of health such special reports on the prevalence and control of notifiable diseases as may be required by the state director of health.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 11. **(Definitions.)** *Carrier.* A person who, without symptoms of a communicable disease, harbors and disseminates the specific micro-organisms. As distinct from a carrier, the term "infected person" is used to mean a person in whose tissues the etiological agent of a communicable disease is lodged and produces symptoms.

Cleaning. This term signifies the removal by scrubbing and washing, as with hot water, soap, and washing soda, of organic matter on which and in which bacteria may find favorable conditions for prolonging life and virulence; also the removal by the same means of bacteria adherent to surfaces.

Contact. A "contact" is any person or animal known to have been suf-

ficiently near an infected person or animal to have been presumably exposed to transfer of infectious material directly, or by articles freshly soiled with such material.

Delousing. By delousing is meant the process by which a person and his personal apparel are treated so that neither the adults nor the eggs of *Pediculus corporis* or *Pediculus capitis* survive.

Disinfection. By this is meant the destroying of the vitality of pathogenic micro-organisms by chemical or physical means.

When the word "concurrent" is used as qualifying disinfection, it indicates the application of disinfection immediately after the discharge of infectious material from the body of an infected person, or after the soiling of articles with such infectious discharges, all personal contacts with such discharges or articles being prevented prior to their disinfection.

When the word "terminal" is used as qualifying disinfection, it indicates the process of rendering the personal clothing and immediate physical environment of the patient free from the possibility of conveying the infection to others, at the time when the patient is no longer a source of infection.

Disinfesting. By disinfesting is meant any process, such as the use of dry or moist heat, gaseous agents, poisoned food, trapping, etc., by which insects and animals known to be capable of conveying or transmitting infection may be destroyed.

Education in personal cleanliness. This phrase is intended to include all the various means available to impress upon all members of the community, young and old, and especially when communicable disease is prevalent or during epidemics, by spoken and printed word, and by illustration and suggestion, the necessity of:

(1) Keeping the body clean by sufficiently frequent soap and water baths.

(2) Washing hands in soap and water after voiding bowels or bladder and always before eating.

(3) Keeping hands and unclean articles, or articles which have been used for toilet purposes by others, away from mouth, nose, eyes, ears, and genitalia.

(4) Avoiding the use of common or unclean eating, drinking, or toilet articles of any kind, such as towels, handkerchiefs, hairbrushes, drinking cups, pipes, etc.

(5) Avoiding close exposure of persons to spray from the nose and mouth, as in coughing, sneezing, laughing, or talking.

Fumigation. By fumigation is meant a process by which the destruction of insects, as mosquitoes, fleas, bedbugs, and body lice, and animals, as rats, is accomplished by the employment of gaseous agents.

Isolation. By isolation is meant the separating of persons suffering from a communicable disease, or carriers of the infecting micro-organism, from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

Quarantine. By quarantine is meant the limitation of freedom of movement of persons or animals who have been exposed to communicable disease for a period of time equal to the longest usual incubation period of the disease to which they have been exposed.

It is still considered necessary to require strict isolation of the patient for the period of communicability, and quarantine or immunization of contacts in certain diseases, notably smallpox. However, in some other diseases, such as poliomyelitis and encephalitis, isolation of the patient has but little apparent effect in limiting the spread of the disease, and the period of communicability is not known with reasonable accuracy in any given case.

Case-to-case infection is relatively infrequent in these latter two diseases; and yet the patient must be regarded as a potential source of infection and suitable precautions must be taken, even if these barriers to transmission of the disease are but partially effective. Uncertainty as to the exact duration of the period of communicability does not justify neglect of reasonable isolation measures but rather adds to our obligation to educate patients, the family, and the attending physician in the advantages to be had from separating the sick from the well, and in taking precautionary measures voluntarily when the presence of a communicable disease is suspected and before a diagnosis is established, after the official period of isolation is past, and generally during the epidemic prevalence of such diseases in the community.

The five specific objectives of personal cleanliness as defined above, if conscientiously attempted, will materially aid in reducing the amount of frequency of infection.

Isolation of a patient with a communicable disease from visitors is often of benefit to the patient by reducing the likelihood of additional and complicating infections, as well as a protection to others; quiet, freedom from excitement and fatigue of visits, and complete rest are important factors in the medical and nursing management of such patients and directly contribute to recovery.

Renovation. By renovation is meant, in addition to cleansing, such treatment of the walls, floors, and ceilings of rooms or houses as may be necessary to place the premises in a satisfactory sanitary condition.

Report of a disease. By a report of a disease is meant the notification to the health department and, in the case of communicable disease

in animals, also to the respective department of agriculture which has immediate jurisdiction, that a case of communicable disease exists or is suspected of existing in a specified person or animal at a given address.

Each administrative health jurisdiction will ordinarily determine what diseases should be reportable, according to their prevalence or their practical importance from the points of view of the administrator, the epidemiologist, and the statistician. It is expected that local or state regulation will require the reporting of any unusual or group expression of illness which may be of public concern whether or not known to be or suspected of being communicable in nature, regardless of its inclusion in the list of diseases, disabilities and infestations named in regulation 2.

Susceptible. A "susceptible" is a person or animal who is not known to have become immune to the particular disease in question by natural or artificial process.

Virus, filterable. The term "filterable virus" as defining the etiological agent of certain diseases is used in the sense of a causal agent differentiated from other kinds of infectious agents such as bacteria, protozoa, etc. Many of these filterable viruses can be grown in vitro in the presence of living susceptible cells and such cultures will produce regularly typical diseases in animals and in man. The term "filterable virus" has a significance comparable to that of bacterium, spirochete, or protozoon. The term "filterable virus" is as definite a description of an etiological agent as is the statement that the typhoid bacillus causes typhoid fever. The idea conveyed by the statement that filterable virus is the etiological agent is that the cause of this disease is known, even though present knowledge does not permit further precision in distinguishing among filterable viruses except by reference to the name of the disease produced by each.

Immune person. This term signifies a person who is known to have become immune to the disease to which he has been exposed, by reason of age, a previous attack, or other natural or artificial process.

Vaccination. Vaccination for the prevention of smallpox signifies an inoculation by incision, puncture, scarification or injection beneath or into the epidermis of a vaccine which produces with some constitutional disturbance, the typical vaccine vesicle, and which leaves, after the pock has healed, a characteristic scar.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 12. (**Placarding**). Immediately upon the receipt of a report of a case of smallpox, diphtheria, scarlet fever, meningococcus meningitis, poliomyelitis, or any other disease required by law or by the state department of health to be quarantined, the

health commissioner or a person authorized by him shall quarantine the house or place where the patient is found and shall place thereon a placard having printed on it in letters not less than two inches high the name of the disease within. The health commissioner or person authorized by him shall at the time the house is placarded explain the quarantine regulations and provide the head of the family or the person having charge of the patient with instructions for preventing the spread of the disease. No quarantine placard shall be removed except by direction of the health commissioner.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 13. **(Investigation of reported case.)** Immediately upon receipt of a report of any disease in which restrictive or preventive measures are required by the district board of health or the state department of health, the health commissioner shall determine the source of infection, the number of exposures, and secure such other information as may be necessary to prevent the spread of the disease. The reports of such investigations shall be kept on file in the office of the health commissioner.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 13a. **(Duties regarding children attending school.)** When a case of communicable disease is reported it shall be the duty of the health commissioner having jurisdiction to ascertain the school attended by any child or children from the infected premises and to serve notice upon those in charge of such school, requiring that all persons from such infected premises be excluded from the school until a medical certificate with a written permit from the health commissioner is presented.

Adopted October 10, 1930; amended June 21, 1942; effective August 15, 1942.

Regulation 14. **(Investigation of unreported cases.)** Upon receipt of information that a quarantinable disease exists in any house or place within the district, when such case has not been reported by a physician, the health commissioner or some physician appointed by him shall immediately investigate the case for the purpose of making a diagnosis. If such investigation reveals the presence of a quarantinable disease the health commissioner shall immediately institute the proper quarantine.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 14a. **(Sale of food forbidden in certain cases.)** When

a case of diphtheria, lethargic encephalitis, epidemic or septic sore throat, amebic or bacillary dysentery, meningococcus meningitis, paratyphoid fever, scarlet fever, smallpox, poliomyelitis (infantile paralysis), typhoid fever, or tuberculosis in a communicable stage exists on any farm or dairy producing milk, cream, butter, cheese, or other foods likely to be consumed raw, no such food shall be sold or delivered from such farm or dairy, except under the following conditions:

(a) That such foods are not brought into the house where any such case exists; that all persons coming in contact with such foods remain entirely away from the house during the existence of any such case; that such food handlers do not come in close contact with any occupant of the house during the period of quarantine;

(b) That a permit to dispose of these foods be issued by the local board of health or by the director of health or his authorized representative.

Adopted August 14, 1925; amended June 21, 1942; effective August 15, 1942.

Regulation 15. **(Permission required to remove patient from one health district to another.)** Whenever it is necessary for any person with a communicable disease, or any susceptible person exposed to a communicable disease, to remove from one health district to another, it shall be the duty of such person or their parent or guardian, to request their local health commissioner to secure written permission from the health commissioner of the district to which they desire to remove.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 16. **(Methods of control.)** These methods of control shall be enforced by all local health officials in the state of Ohio and shall be observed by any person afflicted with any of the following named diseases or conditions and by their attendants and associates. The definition of terms found in Regulation 11, Ohio Sanitary Code, shall apply when such terms are used in this regulation:

CLASS A**Actinomycosis****A. *The infected individual, contacts, and environment:***

1. Recognition of the disease and reporting: Clinical symptoms, confirmed by microscopic examination of discharges from the lesions.
2. Isolation: None, provided the patient is under adequate medical supervision.
3. Concurrent disinfection: Of discharges from lesions and articles soiled therewith.
4. Terminal disinfection: By thorough cleansing.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: In some cases exposure to infected cattle may be important.

B. *General measures:*

1. Observance of hygiene of oral cavity.
2. Inspection of meat, with condemnation of carcasses or infected parts of carcasses of infected animals.
3. Destruction of known animal sources of infection.

Anthrax**A. *The infected individual, contacts, and environment:***

1. Recognition of the disease and reporting: Clinical and bacteriological.
2. Isolation of the infected individual until the lesions have healed.
3. Concurrent disinfection: Of the discharges from lesions and articles soiled therewith. Spores can be killed only by special measures such as steam under pressure or burning.
4. Terminal disinfection: Thorough cleaning.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Search for the product of the infected animal, and trace to origin for discovery of disease in sporadic or epidemic form in domestic animals, where it will be found in all but rare instances.

B. *General measures:*

1. Animals ill with disease presumably anthrax should be isolated immediately in the care of a veterinarian. Animals proved to have the disease should be killed and promptly destroyed, preferably by incineration.

2. Immunization of exposed animals under direction of the United States Department of Agriculture or the Division of Animal Industry, Ohio Department of Agriculture.
3. Post-mortem examination should be made only by a veterinarian or in the presence of one.
4. Milk from an infected animal should not be used during the febrile period.
5. Control and disinfection of effluents and trade wastes and of areas of land polluted by such effluents and wastes from factories or premises, where spore-infected hides or other infected hide and hair products are known to have been worked up into manufactured articles.
6. Every shipment of raw hides, wool, hair, or bristles from sources which are not known to be free from anthrax infection should be examined by an expert bacteriologist.
7. A physician should be constantly employed by every company handling raw hides, or such companies should operate under the direct supervision of a medical representative of the health department.
8. Every employee handling raw hides, hair, or bristles who has an abrasion of the skin should immediately report to a physician.
9. Special instruction should be given to all employees handling raw hides in regard to the necessity of personal cleanliness.
10. Tanneries and woolen mills should be provided with proper ventilating apparatus so that dust is promptly removed before reaching the respiratory tract of human beings.
11. Disinfection of hair, wool, and bristles from sources known to be or suspected to be infected, before they are used or sorted.
12. The sale of hide from an animal infected with anthrax should be prohibited. A violation of this regulation should be immediately reported to the Division of Animal Industry, Ohio Department of Agriculture, by telegram, stating the time, place and purchaser to whom the hide was sold. The report should also be sent to the person purchasing the hide. Carcasses should be disposed of under the supervision of the Division of Animal Industry, Ohio Department of Agriculture. Imported hides are subject to regulations administered by the United States Bureau of Animal Industry. In the event that infection is introduced, the Division of Animal Industry, Ohio Department of Agriculture, has jurisdiction over infected animals and the local or state health authorities have jurisdiction over infected persons.

Botulism

Methods of control:

1. Governmental control by regulation and inspection of commercial processing of canned and preserved foods.
2. Education of housewives and others concerned with home canning of foods in the essentials of safe processing, as to time, pressure, and temperature factors.
3. Education in value of boiling with a small amount of soda, home-canned green and leafy vegetables before serving, and the thorough cooking of sausage and other meats and fish products held for later consumption.

Chickenpox (Varicella)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: The chief public health importance of this disease is that cases thought to be chickenpox in persons over 15 years of age, or at any age during an epidemic of smallpox, are to be investigated to eliminate the possibility of their being smallpox.
2. Isolation: For 10 days from the onset of the disease and until all crusts have disappeared from the skin. Avoidance of contact with non-immune persons should be made effective.
3. Concurrent disinfection: Articles soiled by discharges from lesions.
4. Terminal disinfection: Thorough cleaning.
5. Quarantine: None.
6. Immunization: Passive immunization of susceptible children may be of value in institutions when exposure is feared, or under exceptional conditions in individual cases.
7. Investigation of source of infection: Of no importance unless in persons over 15 years of age or when smallpox is suspected or is locally prevalent.

B. *General measures:* None.

Cholera

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms confirmed by bacteriological examination of stools.
2. Isolation of patient in hospital or screened room during communicable period.
3. Concurrent disinfection: Prompt and thorough disinfection of

the stools and vomited matter. Articles used by and in connection with the patient must be disinfected. Food left by the patient should be burned.

4. Terminal disinfection: The room in which a sick patient was isolated should be thoroughly cleaned.
5. Quarantine: Contacts for 5 days from last exposure, or longer if stools are found to contain the cholera vibrio.
6. Immunization: Prophylactic immunization of contacts is useful and advisable.
7. Investigation of source of infection: Search for unreported cases and carriers. Investigate possibility of infection from polluted drinking water or from contaminated uncooked foods.

B. General measures:

1. Rigid personal prophylaxis of attendants by scrupulous cleanliness, disinfection of hands each time after handling patient or touching articles contaminated by dejecta, the avoidance of eating or drinking anything in the room of the patient, and the prohibition of those attendant on the sick from entering the kitchen.
2. The bacteriological examination of the stools of all contacts to determine carriers. Isolation of carriers.
3. Water should be boiled, if used for drinking or toilet purposes, or if used in washing dishes or food containers, unless the water supply is adequately protected against contamination or is so treated, as by chlorination, that the cholera vibrio cannot survive in it.
4. Careful supervision of food and drink: Where cholera is prevalent, only cooked foods should be used. Food and drink after cooking or boiling should be protected against contamination, as by flies and human handling.

- C. *Epidemic measures:* Inspection service for early detection and isolation of cases; examination of persons exposed in infected centers for detection of carriers, with isolation or control of carriers; cleaning of rooms occupied by the sick, and the detention, in suitable camps for 5 days, of those desirous of leaving for another locality. Those so detained should be examined for detection of carriers.

Conjunctivitis, Acute Infectious

(Inflammation of the Eyes of the Newborn and
Gonorrheal Ophthalmia)

- A. *The infected individual, contacts, and environment:*
 1. Recognition of the disease: Clinical symptoms, confirmed where possible by bacteriological examination.
 2. Isolation: None, provided the patient is under adequate medical supervision.
 3. Concurrent disinfection: Disinfection of conjunctival discharges and articles soiled therewith.
 4. Terminal disinfection: Thorough cleaning.
 5. Quarantine: None.
 6. Immunization: None.
 7. Investigation of source of infection—among persons recently in contact with the patient: The disease in the newborn is almost always due to infection from the genital tract of the mother.
- B. *General measures:*
 1. Use of silver nitrate solution in the eyes of the newborn; antepartum treatment of mother if gonorrhea is suspected.
 2. Systemic treatment with an appropriate chemotherapeutic agent, such as sulfapyridine or sulfathiazole.
 3. Education as to personal cleanliness and as to the danger of the use of common towels and toilet articles.
 4. Carrying out of the measures indicated in methods for control of gonorrhea.

Dengue

- A. *The infected individual, contacts, and environment:*
 1. Recognition of the disease and reporting.
 2. Isolation: The patient must be kept in a screened room.
 3. Concurrent disinfection: None.
 4. Terminal disinfection: None.
 5. Quarantine: None.
 6. Immunization: None.
 7. Investigation of source of infection: Search for unreported or undiagnosed cases and for the *Aedes aegypti* mosquito and its breeding places.
- B. *General measures:* Measures directed toward elimination of mosquitoes (*Aedes aegypti*). Screening of rooms.

Diphtheria

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: By clinical symptoms, with confirmation by bacteriological examination of discharges.
2. Isolation: Until 2 cultures from the throat and 2 from the nose, taken not less than 24 hours apart, fail to show the presence of diphtheria bacilli. The first release culture shall not be taken earlier than the ninth day of the disease. Isolation may be terminated if the microorganism reported as morphologically "positive," although persistently present, proves to be an avirulent form. Where termination by culture is impracticable, cases may be terminated with fair safety as a rule 16 days after onset of the disease. A virulence test may be made where positive throat cultures are reported 3 weeks or longer after onset of the disease.
3. Concurrent disinfection of all articles which have been in contact with the patient, and all articles soiled by discharges of the patient.
4. Terminal disinfection: At the end of the illness, thorough airing and sunning of the sick room, with cleaning or renovation.
5. Quarantine: All intimate child contacts, and adult contacts whose occupation involves handling of foods or close association with children, until shown by bacteriological examination not to be carriers.
6. Immunization: Passive immunization with antitoxin is rarely necessary for exposed persons over 5 years of age, for whose protection daily examination by a physician or nurse suffices. Infants and young children exposed to diphtheria in the family should receive a prophylactic dose of antitoxin without prior Schick testing, unless they are known to have been immunized.
7. Investigation of source of infection: In unreported cases, in carriers, and milk.

B. *General measures:*

1. All children should be immunized against diphtheria. The following procedure is recommended: At 6 to 9 months of age either two doses of diphtheria toxoid, alum precipitated, or three doses of fluid diphtheria toxoid, at one month intervals. This same procedure should be applied to all children at or below 6 years of age if immunization has been neglected

in infancy. Children given an immunizing treatment during infancy should receive a single reinforcing dose on entrance to school.

2. Older children, and adults especially exposed, including teachers, nurses, and physicians, found to be Schick-positive should be actively immunized. In order to minimize local and constitutional reactions in members of these groups, it is desirable to carry out a preliminary "toxoid reaction test," non-reactors to receive toxoid and reactors multiple small doses of suitably diluted toxoid.
3. Pasteurization of milk supply.
4. Educational measures to inform the public, and particularly the parents of little children, of the advantages of toxoid immunization in infancy.

Dysentery, Amebic (Amebiasis)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, confirmed by microscopic examination of stools.
2. Isolation: None.
3. Concurrent disinfection: Sanitary disposal of the bowel discharges. Hand washing after use of toilet.
4. Terminal disinfection: Cleaning.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Microscopic examination of stools of inmates of the household, or of work associates of the infected person, and of other suspected contacts, should be supplemented by search for direct contamination of water and foods by human feces.

B. *General measures:*

1. Sanitary disposal of human feces.
2. Protection of potable water supplies against fecal contamination, and boiling drinking water where necessary. Chlorination of water supplies as generally used has been found inadequate for the destruction of cysts.
3. Supervision of the general cleanliness, of the personal health and sanitary practices of persons preparing and serving food in public eating places, especially moist foods eaten raw. The routine examination of food handlers to eliminate carriers from such occupations is of little or no practical value.

4. Education in personal cleanliness, particularly washing hands with soap and water after evacuation of the bowels.
 5. Control of fly breeding and protection of foods against fly contamination by screening.
 6. Avoidance of cross-connections between public and private auxiliary water supplies and of back-flow connections in plumbing systems.
 7. Instruction of convalescent and chronic carriers in personal hygiene, particularly as to sanitary disposal of fecal waste, and hand washing after use of toilet.
- C. *Epidemic measures:* In case of epidemics due to relatively massive doses of infectious material, active measures should be employed to discover the source of infection, and to advise the public and the medical profession of the early and characteristic symptoms, of the serious immediate and remote results of such infection, and of the good results of treatment if instituted early.

Dysentery, Bacillary

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease and reporting: Clinical symptoms, confirmed by bacteriological tests.
 2. Isolation: Infected individuals during the communicable period of the disease, particularly rigid personal precautions by attendants.
 3. Concurrent disinfection: Bowel discharges.
 4. Terminal disinfection: Cleaning.
 5. Quarantine: None.
 6. Immunization: No method of immunization is satisfactory. Vaccines contain only a few of the many antigens and in addition reactions from their use may be severe.
 7. Investigation of source of infection: Important in epidemics; investigation of food, water, and milk supplies, general sanitation, and search for carriers may serve to detect the source and prevent further spread. For sporadic cases such investigation is time-consuming and gives meager results.
- B. *General measures:*
1. Protection and purification of public water supplies, together with prevention of subsequent contamination.
 2. Pasteurization of public milk supplies; use of boiled milk for infant feeding.

3. Supervision of preparation and handling of other foods, particularly those which are moist and eaten raw.
4. Hand washing, by food handlers in particular, following use of toilet.
5. Prevention of fly-breeding; screening.
6. Sanitary disposal of human excreta.
7. Persons known to be infected, and their attendants, should be excluded from handling food for public consumption, and from handling the family food supply if possible.
8. The exercise of rigid precautions in known cases of bacillary dysentery is requisite but is inadequate as a safeguard against the ever-present risk of infection from concealed sources. Reduction of high infant mortality rates is dependent upon prevention of diarrhea and enteritis. Infant hygiene, including breast feeding, scrupulous cleanliness at all times in the preparation and handling of food for children, and continuous attention to diet in order to avoid minor digestive disturbances that may lower resistance to the infection will do much toward accomplishing this aim. As a precautionary measure, all cases of infantile diarrhea should be regarded as bacillary dysentery. Prevention of epidemics of bacillary dysentery by guarding against massive dissemination of infection should be a major concern, particularly in prisons, camps, and institutions.

Encephalitis, Infectious (Lethargic and Nonlethargic)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, assisted by microscopical and chemical examination of the spinal fluid if lumbar puncture is performed. Virus has been isolated from the brain tissue of fatal cases of all types except the Vienna type. Development of specific neutralizing power in the blood serum of patients may be an aid to identification of the type if suitable laboratory facilities are available.
2. Isolation: Isolation until recovery from the acute manifestations of the disease, but no case shall be released until fourteen days from the onset of the disease.
3. Concurrent disinfection: Discharges from the nose, throat, and bowel, and articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.

7. Investigation of source of infection: Search for prior cases in the community and for unreported cases among the associates of the patient may develop useful epidemiological information, but so far has been of no practical value in control of the different types of this disease.
- B. *General measures:* Mosquito control if practicable. *Aedes vexans*, which has been suspected in the spread of the Eastern equine virus to human cases, would usually be difficult to control.

Favus

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease and reporting: Clinical symptoms confirmed by microscopic examination of crusts, and cultures on Sabouraud's medium.
 2. Isolation: Exclusion of patient from school and other public places until lesions are healed. Patient should wear a light, tight-fitting cotton skull cap constantly. This must be changed frequently and boiled.
 3. Concurrent disinfection: Toilet articles of patient.
 4. Terminal disinfection: None.
 5. Quarantine: None.
 6. Immunization: None.
 7. Investigation of source of infection: Search for unreported and unsuspected cases among immediate home or play or work associates of the patient.
- B. *General measures:*
1. Elimination of common utensils, such as hair brushes and combs.
 2. Provision for adequate and intensive treatment and cure of cases of favus at hospitals and dispensaries, to abbreviate the period of infectivity of the patient.

Food Infections and Poisonings

Methods of control:

1. All group outbreaks of infections and poisonings attributed to foods should be at once reported to the department of health.
2. Specimens of the foods suspected should be secured and used for laboratory examination.
3. The vomitus and feces of patients should be collected for bacteriological and chemical examination.
4. Persons concerned with the preparation and serving of foods

should be brought under observation for medical and bacteriological examination to determine the possible origin, whether from bowel discharges or infections of the skin.

5. Epidemiological inquiries should include particular study of water and milk used by the persons affected.

Isolation, quarantine, concurrent and terminal disinfection are not applicable in such cases.

German Measles (Rubella)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: The reason for notification of this disease is that it may be confused with scarlet fever during its early stages; each person having symptoms of the disease should therefore be placed under the care of a physician and the case should be reported to the local department of health.
2. Isolation: Isolation until recovery is complete providing such isolation shall not cease before seven days from the appearance of the rash.
3. Concurrent disinfection: None.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Of no importance except to clarify doubts created by clinical difficulty in distinguishing this disease from scarlet fever in its early stages.

B. *General Measures:* None.

Glanders

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting.
2. Isolation: Human case at home or hospital; for infected horses destruction rather than isolation is advised. Skin contact with the lesions in the living or dead body is to be scrupulously avoided.
3. Concurrent disinfection: Discharges from human cases and articles soiled therewith.
4. Terminal disinfection: Stables and contents where infected horses are found.
5. Quarantine of all horses in an infected stable until all have been tested by specific reaction, and the removal of infected horses and terminal disinfection of stable have been accomplished.

6. Immunization: None of established value or generally accepted.
7. Investigation of source of infection: Carriers not known in humans. Search for infected horses especially in sales stables, by observation and specific laboratory tests.

B. *General measures:*

1. The abolition of the common drinking trough for horses.
2. Sanitary supervision of stables and blacksmith shops.
3. Semi-annual testing of all horses by a specific reaction where the disease is common.
4. Testing of all horses offered for sale where the disease is common.

Gonorrhea

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, confirmed by the bacteriological examination or serum reaction.
2. Isolation: When the lesions are in the genitourinary tract, exclusion from sexual contact.
3. Concurrent disinfection: Discharges from lesions and articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: None, if under continuous and approved treatment.
6. Immunization: None.
7. Investigation of source of infection: Each acute case should be traced to probable source of infection and appropriate control and treatment of this spreader of disease instituted.
Infected persons may become carriers for periods not yet determined with certainty, but occasionally for a year or more.

B. *General measures:*

1. Provision of accurate and early diagnosis and careful treatment of infected persons with an appropriate chemotherapeutic agent such as sulfapyridine or sulfathiazole. Search should be made for all recent contacts with infected patients and provision made for following all cases until acute manifestations have subsided.
2. Education in matters of sexual hygiene, particularly as to the fact that **continence in both sexes** at all ages is compatible with health and normal development.
3. Repression of commercialized prostitution, and associated use of alcoholic beverages, by police or other competent authority.
4. Restriction of advertising of services or medicines for the self-treatment of sex diseases, etc.

5. Elimination of common towels and toilet articles from public places.
6. Use of prophylactic silver solution in the eyes of the newborn.
7. Personal prophylaxis should be advised and made available for use before or immediately after sexual intercourse to those who expose themselves to infection.
8. Exclusion of persons in the communicable stage of the disease from occupations involving contact with children.

Gonorrheal Ophthalmia

(See Conjunctivitis, Acute Infectious)

Hookworm Disease (Ancylostomiasis)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Microscopic examination of bowel discharges.
2. Isolation: None.
3. Concurrent disinfection: Sanitary disposal of bowel discharges to prevent contamination of soil and water.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Each case and carrier is a potential or actual spreader of the disease. All family contacts should be examined.
8. Treatment: For the removal of worms from the intestinal tract appropriate treatment of clinical cases with tetrachlorethylene, hexylresorcinol, or carbon tetrachloride, with preference in the order named.

B. *General measures:*

1. Education as to dangers of soil pollution and methods of prevention.
2. Prevention of soil pollution by installation of sanitary disposal systems for human discharges, especially sanitary privies in rural areas, and education of the public in the use of such facilities.
3. Personal prophylaxis by cleanliness and the wearing of shoes.

Inflammation of the Eyes of the Newborn

(See Conjunctivitis, Acute Infectious)

Influenza

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: By clinical symptoms only. Uncertain in interepidemic periods.
2. Isolation: During acute stage of the disease, especially in severe cases and those complicated by pneumonia.
3. Concurrent disinfection: Discharges from the nose and throat of patient.
4. Terminal disinfection: None.
5. Quarantine: None, but visiting the patient should be discouraged.
6. Immunization: None.
7. Investigation of source of infection: Of no practical value.

B. *General measures:*

1. During epidemic efforts should be made to reduce opportunities for direct contact infection, as in crowded halls, stores, and street cars. Kissing, the use of common towels, glasses, eating utensils, or toilet articles should be avoided. In isolated towns and institutions infection has been delayed and sometimes avoided by strict exclusion of visitors from already infected communities. The closing of the public, parochial, and private schools has not been effective in checking the spread of infection. The judicious use of masks by nurses and other attendants may prove of value in preventing infection in hospitals. Scrupulous cleanliness of dishes and utensils used in preparing and serving food in public eating places should be required, including the subjection of such articles to disinfection in hot soapsuds. In groups which can be brought under daily professional inspection, the isolation of early and suspicious cases of respiratory tract inflammation, particularly when accompanied by a rise in temperature, may delay the spread of the disease. To minimize the severity of the disease, and to protect the patient from secondary infections and thus reduce mortality, patients should go to bed at the beginning of an attack, and not return to work without the approval of their physician. Appropriate chemotherapy should be instituted at once if evidence of secondary pneumonia appears.
2. Large aggregations of young adults unaccustomed to such association create a danger of spread of influenza when it is prevalent, especially when the individuals are subjected to chilling, much fatigue, or deprivation of customary bodily comforts.
3. Crowding of beds in hospitals and institutions to accommodate increased numbers of patients and other inmates is to be espe-

cially avoided. Increased spacing between beds in wards and dormitories should be carried out to reduce the risk of attack, and of the occurrence of pneumonia.

Leprosy

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms confirmed by microscopic examination where possible.
2. Isolation: Isolation of bacteriologically positive cases occurring in endemic form in national leprosarium until a condition of apparent arrest has been present for at least 6 months, as determined by clinical observation and absence of acid-fast bacilli on repeated examinations. Paroled and other negative patients should be reexamined periodically, the suggested interval being 6 months.
3. Concurrent disinfection: Discharges and articles soiled with discharges.
4. Terminal disinfection: Thorough cleaning of living premises of patient.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: This should be undertaken especially in cases of apparently recent origin. The long and uncertain period of incubation, and the length of intimate contact believed to be necessary, make the discovery of the source of infection a matter of great difficulty.

B. *General measures:*

1. In endemic areas leprosy is usually contracted in childhood but it may be acquired in adult life. Infants should be separated from leprous parents at birth, and in educational efforts stress should be placed upon the greater risk of exposure in early life.
2. Lack of information as to the determining factors in the spread and communication of the disease makes any but general advice in matters of personal hygiene of no value.
3. As a temporary expedient, patients may be properly cared for in general hospitals, or if conditions of the patient and his environment warrant, he may be allowed to remain on his own premises under suitable regulations.
4. In those parts of the United States in the temperate zone farther north where the disease shows no tendency to spread, suitable medical and nursing care of infected persons is sufficient.

Lymphogranuloma Venereum, Granuloma Inguinale and Climatic Bubo

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms.
2. Isolation: Exclusion of infected persons from sexual contacts and from preparation and serving of food during period of communicability.
3. Concurrent disinfection: Discharges and articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Search should be made for case of origin, particularly among prostitutes and among persons of Negro race, and among former residents of tropical and sub-tropical areas.

B. *General measures:*

1. Education in matters of sexual hygiene, particularly as to the fact that continence in both sexes and at all ages is compatible with health and normal development.
2. Repression of commercial prostitution and associated use of alcoholic beverages by use of police and other competent authority and control of living premises.
3. Elimination of the use of common towels, cups, toilet articles, and eating utensils.
4. Personal prophylaxis should be advised and made available for use immediately after sexual intercourse to those who expose themselves to opportunity for infection.

Malaria

A. *The infected individual and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, always to be confirmed by microscopical examination of the blood. Repeated examination of blood films may be necessary.
2. Isolation: The individual with malarial parasites in his blood should be protected from the bites of mosquitoes. With the exception of this simple precaution, isolation and quarantine are of no avail.
3. Concurrent disinfection: None. Destruction of *Anopheles* mosquitoes in the dwelling.
4. Terminal disinfection: None. Destruction of *Anopheles* mosquitoes in the dwelling.

5. Quarantine: None.
6. Immunization: None. The administration of prophylactic doses of quinine or atabrine should be insisted on for visitors constantly exposed to infection and unable to protect themselves against *Anopheles* mosquitoes. This is not in an exact sense prophylaxis but early therapeusis.
7. Specific therapy: Quinine sulfate is preferred for routine treatment and atabrine is found by some to be equally reliable. Small daily doses of plasmochin appear to lower the relapse rate.
8. Investigation of source of infection: Breeding places and house infestation by *Anopheles* mosquitoes should be sought for and larvae and mosquitoes destroyed when and where possible. Dissection of house-caught mosquitoes reveals which of the species found is the important vector. The breeding places of this particular species should be located and its reproduction prevented.

B. *General measures:*

1. Employment of known measures for destroying larvae of anophelines and the eradication of breeding places of such mosquitoes.
2. Blood examination of persons living in infected centers to determine the incidence of infection.
3. Screening sleeping and living quarters; use of mosquito nets.
4. Killing mosquitoes in living quarters.
5. Education of the public as to the mode of spread and methods of prevention of malaria.
6. Adequate curative treatment of persons with clinical attacks of malaria.

Measles (Rubeola)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms. Special attention to rise of temperature, Koplik spots and catarrhal symptoms in exposed individuals.
2. Isolation: Isolation until recovery is complete providing such isolation shall not cease before seven days from the appearance of the rash.
3. Concurrent disinfection: All articles soiled with the secretions of the nose and throat.
4. Terminal disinfection: Thorough cleaning.
5. Quarantine: When the disease is very prevalent and in large communities, quarantine of exposed susceptible children is impracticable and of no value. Exclusion of exposed susceptible

school children and teachers from school until 14 days from last exposure may be justifiable under sparsely settled rural conditions. This applies to exposure in the household. Exclusion of exposed susceptible children from all public gatherings under the same conditions for the same period. If the date of only exposure is reasonably certain, an exposed susceptible child of school age may be allowed to attend school for the first 7 days of the incubation period. Quarantining of institutions of young children and of wards or dormitories where exposure is suspected is of value. Strict quarantine of wards of infants if a case occurs in an institution is important.

6. Immunization: By the use of the serum or whole blood of convalescent patients, or of any healthy adults who have had measles, or by the use of immune globulin, given within 5 days after first exposure to a known case of measles, the attack in the exposed person may be averted in a considerable percentage of instances; if not averted, the disease may be modified. Given later, but at a time prior to the clinical onset of the disease, convalescent serum usually modifies the severity of the attack and the patient probably acquires the usual lasting immunity to the disease.
7. Investigation of source of infection: Search of exposed susceptible children under 3 years of age is profitable. Carriers are not known to occur. Every effort should be made to have all cases reported early in the disease by the physician, or, if there is none in attendance, by parent or guardian. The chief object of discovering cases is to give all possible protection to the very young or debilitated against infection, to administer passive immunization if practicable, and to secure adequate medical care for those infected.

B. *General measures:*

1. Daily examination of exposed children and of other possibly exposed persons. This examination should include record of the body temperature. A non-immune exposed individual exhibiting a rise of temperature of 0.5° C. or more should be promptly isolated pending diagnosis.
2. Schools should not be closed or classes discontinued, but daily observation of the children by physician and nurse should be provided for.
3. Education as to special danger of exposing young children to those exhibiting fever and acute catarrhal symptoms of any kind particularly during years and seasons of epidemic prevalence of measles.

4. In institutional outbreaks, immunization and convalescent serum of all minor inmates who have not had measles is a value in checking the spread of infection and in reducing mortality. No new admissions and no visitors under 16 years of age should be permitted in an institution for children, during a measles outbreak in the community or in the institution.
5. The immunization of infants and children under 3 years of age with convalescent serum or whole adult blood in families where cases of measles occur in older children or adults should be encouraged by the department of health and by private physicians.

Meningococcus Meningitis (Cerebrospinal Fever)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms confirmed by the microscopic and bacteriological examination of the spinal fluid, and by the bacteriological examination of nasal and pharyngeal secretions.
2. Isolation: Isolation of the patient until all signs of the disease have disappeared. No person shall be released less than fourteen days after the onset of the disease.
3. Concurrent disinfection: Of discharges from the nose and mouth or articles soiled therewith.
4. Terminal disinfection: Cleaning.
5. Quarantine: Children under 16 years of age for a period of 10 days from date of last exposure.
6. Immunization: None.
7. Investigation of source of infection: Impracticable.
8. Prompt treatment with an appropriate chemotherapeutic agent such as sulfathiazole or sulfanilamide, or a combination of serotherapy and chemotherapy, may be useful in limiting communicability.

B. *General measures:*

1. Education as to personal cleanliness and necessity of avoiding contact and droplet infection.
2. Prevention of overcrowding such as is common in living quarters, transportation conveyances, working places, and especially in barracks, camps, and ships.

C. *Epidemic measures:*

1. Increase the separation of individuals and the ventilation in living and sleeping quarters for such groups of people as are especially exposed to infection because of their occupation or

some necessity of living conditions. Chilling, bodily fatigue, and strain should be minimized for those especially exposed to infection.

Mumps (Infectious Parotitis)

- A. *The infected individual, contacts and environment:* The following procedures are in common use but cannot be relied upon as a means of effective control of the disease.
1. Recognition of the disease and reporting: The diagnosis is usually made on swelling of the parotid gland.
 2. Isolation: Separation of the patient from non-immune children and adults and exclusion of the patient from school and public places until swelling of salivary glands has entirely disappeared.
 3. Concurrent disinfection: None.
 4. Terminal disinfection: None.
 5. Quarantine: None. Exposed susceptible persons should be regularly inspected for the presence of initial symptoms of the disease, such as fever, or swelling or pain of the parotid or sub-maxillary glands, for 3 weeks from the date of last exposure. Exposed children medically certified as having had the disease should not be excluded from school as susceptibles.
 6. Immunization: None. Passive temporary immunity by convalescent serum or blood still in experimental stage.
 7. Investigation of source of infection: Search for unreported or recent cases among associates of the patient in school or family or other groups of young people. Carriers are not known to occur.
- B. *General measures:* None.

Paratyphoid Fever

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease and reporting: Clinical symptoms confirmed by specific agglutination test, or by bacteriological examination of blood, bowel discharges, or urine.
 2. Isolation: In flyproof room, preferably under hospital conditions, of such cases as cannot command adequate sanitary environment and nursing care in their homes. Release from isolation should be determined by two successive negative cultures of stool and urine specimens collected not less than 24 hours apart.
 3. Concurrent disinfection: Disinfection of all bowel and urinary discharges and articles soiled with them.
 4. Terminal disinfection: Cleaning.

5. Quarantine: None.
6. Immunization: Of exposed susceptibles.
7. Investigation of source of infection: Search for common source in polluted water, milk, shellfish or other food, and individual sources as unreported cases and carriers.

B. General measures:

1. Protection and purification of public water supplies.
2. Pasteurization of public milk supplies.
3. Limitation of collection and marketing of shellfish to those from approved sources.
4. Supervision of other food and water supplies, and of food handlers.
5. Prevention of fly breeding.
6. Sanitary disposal of human excreta.
7. Extension of immunization by vaccination to persons especially subject to exposure by reason of occupation and travel, to those living in areas of high endemic incidence of typhoid fever, and to those for whom the procedure can be systematically and economically applied, as military forces and institutional populations, depending on prevalence of the disease.
8. Discovery and supervision of paratyphoid carriers and their exclusion from the handling of foods.
9. Exclusion of suspected milk supplies on epidemiological evidence pending discovery and elimination of the personal or other cause of contamination of the milk.
10. Exclusion of suspected water supplies until adequate protection or purification is provided unless all water used for toilet, cooking, and drinking purposes is boiled before use.

Pellagra

Methods of control:

1. Education in the use of pellagra-preventive articles of diet, particularly liver, lean meats, leafy green vegetables, and milk.
2. Provision of dried brewer's yeast containing specific pellagra-preventive substance, to be distributed by the health or other public authority among persons economically unable to provide pellagra-preventive substance by usual table food.
3. Specific therapy: Nicotinic acid and its nicotinamide are specific.

Plague, Bubonic, Septicemic, Pneumonic

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, confirmed by bacteriological examination of blood, pus from glandular lesions, or sputum. Animal inoculation of material from suspected cases. Investigation of all deaths during epidemics with autopsy and laboratory examination when indicated.
2. Isolation: Patient in hospital if practicable; if not, in a screened room which is free from vermin.
3. Concurrent disinfection: Sputum and articles soiled therewith, in pneumonic type of the disease.
4. Terminal disinfection: Thorough cleaning followed by fumigation to destroy rats and fleas. Handling of the bodies of persons dying of plague under strict antiseptic precautions.
5. Quarantine: Contacts of pneumonic cases for 7 days.
6. Immunization: Ordinarily not practicable.
7. Investigation of source of infection: Search for human (in pneumonic) and rodent (in bubonic) sources to which patient is known to have been exposed, among wild rodents, and particularly the rat.

B. *General measures:*

1. Extermination of rats and vermin by use of known methods for their destruction; destruction of rats on ships arriving from infected ports; examination of rats, ground squirrels, etc., in areas where the infection persists, for evidence of endemic or epidemic prevalence of the disease among them.
2. Ratproofing of buildings and elimination of breeding places and opportunities for the harboring and feeding of rats as a fundamental sanitary measure.
3. Ratproofing of ships.

Pneumonia, Acute Lobar

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms. Specific infecting organisms may be determined by serological and bacteriological tests early in the course of the disease, which may give basis for epidemiological studies and for specific therapy.
2. Isolation: Medical aseptic technique.
3. Concurrent disinfection: Discharges from the nose and throat of the patient.
4. Terminal disinfection: Thorough cleaning and airing.

5. Quarantine: None.
6. Immunization: None.
7. Prompt treatment with an appropriate chemotherapeutic agent such as sulfapyridine or sulfathiazole, or a combination serotherapy and chemotherapy, may be useful in limiting communicability.

B. General measures:

1. Whenever practicable and particularly in institutions, barracks, and on shipboard, crowding in living and sleeping places should be avoided. The general resistance should be conserved by good food, fresh air, sufficient sleep, temperance in the use of alcoholic beverages, and other hygienic measures.

Poliomyelitis

A. The infected individual, contacts, and environment:

1. Recognition of the disease and reporting: Clinical symptoms, assisted by microscopical and chemical examination of the spinal fluid if lumbar puncture is performed.
2. Isolation: Isolation until recovery from the acute manifestations of the disease, but no case shall be released until fourteen days from the onset of the disease.
3. Concurrent disinfection: Nose, throat, and bowel discharges, and articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: Exposed children of the household of school age are to be kept from school, and adults of the household whose vocations bring them into contact with children or with food to be eaten uncooked are to be kept from such vocation for 14 days from last exposure to recognized case.
6. Immunization: None.
7. Investigation of source of infection: Search for and expert diagnosis of sick children to locate unrecognized and unreported cases of the disease.

B. General measures during epidemics:

1. General warning to physicians and the laity of the prevalence or increase of incidence of the disease, description of usual characteristics of onset, and necessity for diagnosis and medical care, particularly for bed rest of patients and protection of their muscles.
2. All children with fever should be isolated pending diagnosis.
3. Education in such technique of bedside nursing as will prevent distribution of infected discharges to others from cases isolated at home.

4. Protection of children so far as practicable against unnecessary contact with other persons, especially those outside their own homes, during epidemic prevalence of the disease.
5. Postponement of nose and throat operations on children in the presence of an epidemic.
6. Avoidance of unnecessary physical strain in children during an epidemic or in case of known exposure.

Psittacosis

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting.
2. Isolation: Important during the febrile and acute clinical stage of the disease. When actually handling patients with a cough, nurses should wear gauze masks, 8 layers of 40 to 48 threads per inch, or 16 layers 20 to 24 threads per inch.
3. Concurrent disinfection: Of all discharges.
4. Terminal disinfection: Incriminated birds should be killed and their bodies immersed in 2 percent cresol. The spleens then should be aseptically removed, part placed in equal parts of sterile glycerin and standard phosphate buffer solution of pH 7.5, and part in suitable fixative, and both specimens sent to the nearest available laboratory for examination. Carcasses should be burned before feathers dry.
5. Quarantine: Buildings which housed birds should be quarantined until thoroughly cleaned and disinfected.
6. Immunization: No demonstrated method yet fully accepted.
7. Investigation of source of infection: Important, in order to trace infected lots of birds. Though apparently healthy birds occasionally convey the disease, healthy human carriers are unknown.

B. *General measures:*

1. Strict regulation of traffic in birds of parrot family based on quarantine and laboratory examination, but prohibition of such traffic is preferable.
2. Quarantine of homes and pet shops known to have harbored infected birds, until thoroughly cleaned.
3. Education of community in the danger of making house pets of birds of the parrot family, particularly when the birds have been recently imported or are of doubtful history as to contact with other and especially with sick birds of tropical origin.

Puerperal Infection (Puerperal Septicemia)

A. *Methods of control:*

1. Better education of physicians, nurses, and midwives in the science and art of midwifery.
2. Strict asepsis in midwifery with especial attention to possibility of contamination by invisible spray from mouth and nose.
3. Licensing and supervision of midwives where better attendance at childbirth cannot be provided.
4. Official supervision or licensing of all institutions offering maternity services.
5. Education of women in the hazards of self-interruption of pregnancy.

Rabies

A. *The infected individual, contacts, and environment:*

- I. Recognition of the disease and reporting: Clinical symptoms, confirmed by the presence of Negri bodies in the brain of the animal which has caused the injury, and by animal inoculations with material from the brain of such animal.
2. Isolation: None if the patient is under adequate medical supervision, and the immediate attendants are warned of possibility of inoculation by human virus.
3. Concurrent disinfection of saliva of patient and articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: Therapeutic vaccination of the patient, after exposure to infection by actual inoculation with saliva. The possible chance of infection is to be weighed against the real but very small chance of developing paralysis due to the treatment, which may be fatal.
7. Investigation of source of infection: Search for the rabid animal and for any animals bitten by it. Carriers in animals are not known to occur.

B. *General measures:*

1. Detention and examination of dogs suspected of having rabies.
2. Immediate antirabic treatment of people bitten by dogs or by other animals suspected or known to have rabies, unless the animal is proved not to be rabid by subsequent observation or by microscopic examination of the brain and cord. The wound caused by any bite of a rabid animal should be treated at once to the depths with fuming nitric acid, with complete protection of the eye in the case of face bites.

3. Education in the care of dogs, especially directed to dog owners and the police, including advice against shooting of rabid or suspected animals in the head lest the laboratory examination of the brain be rendered difficult or impossible. Dog owners should be impressed with the serious implications of keeping dogs in densely built up cities.
4. Control of dog population by requiring annual license, provision for the impounding and the humane destruction of all unlicensed dogs, quarantine of all dogs in areas where rabid animals have **run at large**.
5. Preventive vaccination of dogs is still in the experimental stage.

Rocky Mountain Spotted (or Tick) Fever

- A. *The infected individual, contacts, and environment:*
 1. Recognition of the disease and reporting: All cases of the disease should be reported to the health authorities.
 2. Isolation: None.
 3. Concurrent disinfection: All ticks on the patient should be destroyed.
 4. Terminal disinfection: None.
 5. Quarantine: None.
 6. Investigation of source of infection: Determination of areas where there are infected ticks should be attempted wherever practicable.
- B. *General measures:*
 1. Personal prophylaxis by avoidance of tick-infested areas when feasible, by careful removal of ticks from the person as promptly as possible, and by protection of the hands when removing ticks from animals.
 2. The destruction of ticks by clearing and burning vegetation, and the destruction of small mammalian hosts of ticks in infested zones have been suggested.

Scarlet Fever (Scarlatina)

- A. *The infected individual, contacts, and environment:*
 1. Recognition of the disease and reporting: By clinical symptoms.
 2. Isolation: In home or hospital, maintained in each case until the end of the period of communicability. No case will be released in less than 21 days from the date of onset of the disease.
 3. Concurrent disinfection: Of all articles which have been in contact with a patient and all articles soiled with discharges of the patient.

4. Terminal disinfection: Thorough cleaning.
5. Quarantine: Exclusion of exposed children and teachers from association with children, and food handlers from their work, until 7 days have elapsed since last exposure to a recognized case.
6. Immunization: Passive immunization by the injection of human convalescent serum or scarlet fever antitoxin affords protection for about 12 days but such treatment of exposed persons is not warranted except under special circumstances and then only after making a Dick test to determine actual need. It is better to observe closely the exposed individual and reserve specific treatment until clinical signs develop. Active immunization of Dick-positive persons may be desired on a private basis but is generally impracticable as a public health measure.
7. Investigation of source of infection: The responsible authority should determine definitely whether some food is the common source (such as raw milk or milk products). In rural areas efforts to discover human sources of infection may be of value. Beyond this little can be done since present means are not practicable for the identification of infected persons and carriers of hemolytic streptococci capable of causing scarlet fever.

B. General measures:

1. Daily examination of exposed children and of other possibly exposed persons for a week after last exposure. Encourage removal of young susceptible contacts in the family to homes of adult friends for duration of communicable stage in the patient.
2. Schools should not be closed but rather daily inspection of the children and teachers by a physician or nurse should be provided.
3. In school and institutional outbreaks immunization of all exposed children with scarlet fever toxin may be advisable.
4. In the presence of a sharp outbreak, modified isolation of persons with sore throat or upper respiratory tract infection, at least through the clinically active stage, particularly if exposure to scarlet fever patients be determined.
5. Education as to special danger of exposing young children to those exhibiting acute catarrhal symptoms of any kind.
6. Pasteurization of milk supply.

Septic Sore Throat

A. The infected individual, contacts, and environment:

1. Recognition of the disease and reporting: Clinical symptoms. Bacteriological examination of the lesions or discharges from the tonsils and nasopharynx may be useful.

2. Isolation: During the clinical course of the disease and convalescence, and particularly exclusion of the patient from participation in the production or handling of milk or milk products.
3. Concurrent disinfection: Articles soiled with discharges from the nose and throat of the patient.
4. Terminal disinfection: Cleaning.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Search for cases and carriers among milkers and other handlers of unpasteurized milk, and for mastitis in milk cows.

B. *General measures:*

1. Exclusion of suspected milk supply from public sale or use until pasteurized. The exclusion of the milk of an infected cow or cows in small herds is possible when based on bacteriological examination of the milk of each cow, and preferably the milk from each quarter of the udder at frequent intervals. Exclusion of human cases or carriers from handling milk or milk products.
2. Pasteurization of all milk.
3. Education in the principles of personal hygiene and avoidance of the use of common towel, drinking and eating utensils.
4. In the absence of an epidemic, the milk of any cow with evidence of mastitis should be excluded from sale or use as a protection in addition to pasteurization.

Smallpox (Variola)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms. The rapidly fatal or fulminating type and the very mild type may escape diagnosis until secondary cases appear.
2. Isolation: Isolation until recovery is complete and desquamation has entirely ceased.
3. Concurrent disinfection of all discharges: No article to leave the surroundings of the patient without boiling or equally effective disinfection.
4. Terminal disinfection. Thorough cleaning and disinfection of premises.
5. Quarantine: (1) Residing in the house or place with the patient. Exposed persons who are immune by reason of a previous attack or by successful vaccination within five years, shall be permitted to remove from the house provided they do not return until the

quarantine is lifted. Immune persons who do not remove from the house must remain until quarantine is lifted.

Susceptible persons must remain in the quarantined house, unless they are vaccinated within four days of first exposure, when they may be permitted to remove providing they remain under the observation of the health commissioner or some physician appointed by him.

Susceptible persons who refuse vaccination or who are vaccinated later than four days following first exposure shall remain in the quarantined house until disinfection is performed, and for an additional period of seventeen days, unless seventeen days shall have elapsed since the time of successful vaccination.

(2) Residing apart from the patient. Exposed persons who are immune by reason of a previous attack, or by successful vaccination within five years, shall not be quarantined.

Exposed persons who are vaccinated within four days of the first exposure shall be kept under observation for a period of twelve days by the health commissioner or some physician appointed by him, but shall not be quarantined.

Exposed persons who submit to vaccination and show a definite immune reaction may be released from observation or quarantine.

Exposed persons who cannot be vaccinated within four days of the first exposure, but who are later vaccinated, shall be quarantined until there is plain evidence of successful vaccination or until seventeen days from the date of last exposure to the disease.

Exposed persons who refuse vaccination shall be quarantined for seventeen days from the date of last exposure to the disease.

6. Immunization: Vaccination. Only dermal vaccination with calf vaccine is recommended.
7. Investigation of source of infection: The immediate prior case should be sought industriously, and cases of reported chickenpox associated in time or place carefully reviewed for error of diagnosis. Active cases of the disease without remaining constitutional symptoms must be sought, also passive carriers recently in contact with cases, and exposed vaccinated persons who may have developed unrecognized forms of the disease, and thus be serving as sources of infection.

B. *General measures:*

1. General vaccination in early infancy, revaccination of children on entering a school, and of entire population when the disease appears in a severe form.

2. Preservation of smallpox vaccine below freezing up to the hour of vaccination. This includes shipment between cakes of dry ice.
3. In order to avoid possible complications or secondary and subsequent infections at the site of vaccination, it is important that the vaccination insertion be as small and superficial as practicable, not over one-eighth inch in any direction, and that the site be kept dry and cool. The use of shields or other dressings is to be condemned. The multiple pressure method is recommended. Primary vaccination as soon after one (1) week of age as possible is desirable. The time of vaccination should be adjusted to avoid skin lesions elsewhere on the body, and in older children to avoid the warmer months. Particular care should be used in primary vaccinations beyond the age of infancy. Previous immunity is not shown by the result of a vaccination unless a fully potent vaccine was used which had been kept continuously below freezing from the time of manufacture until the hour of use.

Syphilis

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, confirmed by microscopical examination of discharges and by serum reactions. Treatment should never be instituted without laboratory confirmation.
2. Isolation: Essential for noncooperative patients at least until surface lesions have healed. No person while in the communicable stage of syphilis should be permitted to engage in occupations of personal service in which he or she may infect others with syphilis, such as those of nurse or nursemaid, domestic servant, barber, hairdresser, chiropodist, manicurist, bath attendant, masseur, wet nurse. Sexual intercourse should be specifically warned against and so far as possible prevented for persons with syphilis until declared to be no longer in the communicable stage, by the physician responsible for treatment of the patient.
3. Concurrent disinfection of discharges and of articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: None, if under continuous and approved treatment.
6. Immunization: None.
7. Investigation of source of infection: Each case, particularly those cases of presumably recent origin, as the congenital form of the disease in infants, and early cases of the acquired disease, should be traced to the probable source of infection, appropriate control

and treatment of this spreader of disease instituted, and further exposed contacts examined for unsuspected or unreported cases.

B. General measures:

1. Provision for accurate and early diagnosis with special attention to the prompt detection of infected persons, provision for their treatment to prevent open lesions during the first 2 years following their initial infection, due consideration for privacy of record consistent with effective control of the patient, and search for source of infection.
2. Education in matters of sexual hygiene, particularly as to the fact that continence in both sexes and at all ages is compatible with health and normal development.
3. Repression of commercial prostitution and associated use of alcoholic beverages, by the police or other competent authority.
4. Restriction of the advertising of services or medicines for self treatment of sex disease, and the prescribing of treatment by drug clerks.
5. Elimination of the use of common towels, cups, and toilet articles from public places.
6. Serological as well as clinical examination for syphilis should be part of the routine prenatal supervision of the expectant mother and if she is found to be infected, anti-syphilitic treatment should be begun if possible before the end of the fifth month of pregnancy.
7. Routine serological blood tests should be employed as a part of every physical examination, particularly in the age group from 20 to 40 years.
8. Personal prophylaxis should be advised and be made available for use before or immediately after sexual intercourse to those who expose themselves to infection.

Tetanus

A. The infected individual, contacts, and environment:

1. Recognition of the disease and reporting: Clinical symptoms may be confirmed bacteriologically.
2. Isolation: None.
3. Quarantine: None.
4. Immunization: Ordinarily a subcutaneous injection of tetanus antitoxin (1,500 units) given on the day of the wound. A second injection within 10 days may be desirable in certain instances. Previous active immunization with tetanus toxoid is preferable for those likely to be exposed to infection with tetanus.

5. Investigation of source of infection: Of only academic interest, as the infecting organism is widely spread, especially through animal feces, in all inhabited places.
6. Concurrent disinfection: None.
7. Terminal disinfection: None.

B. General measures:

1. Educational propaganda such as "safety first" campaign, and "safe and sane Fourth of July" campaign.
2. Prophylactic use of tetanus antitoxin where wounds have been acquired in regions where tetanus is prevalent, and in all cases where contaminated material may be embedded in the wound.
3. Removal of all foreign matter as early as possible from all wounds.
4. Avoidance of dressing for smallpox vaccinations.

Trachoma

A. The infected individual, contacts, and environment:

1. Recognition of the disease and reporting: Clinical symptoms.
2. Isolation: Exclusion of the patient from school and public places. Isolation of the patient is not necessary if he is properly treated and instructed in precautions against spread of secretions of the eye to others by common use of articles. The period of communicability apparently may be shortened by appropriate chemotherapy.
3. Concurrent disinfection of discharge and articles soiled therewith.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Careful search should be made of persons in any way intimately related or exposed to the patient, particularly members of the household, and playmates and schoolmates. Carriers are not known to occur, but apparently healed scars of old lesions may be the site of reactivity and become sources of infection.

B. General measures:

1. Search for cases by examination of school children, or immigrants, and among the families and associates of recognized cases; in addition, search for acute secreting disease of conjunctivae and adnexed mucous membranes, both among school children and in their families, and treatment of such cases until cured, 5% sulfathiazole ophthalmic ointment recommended.

2. Elimination of towels and toilet articles used in common.
3. Education in the principles of personal cleanliness and the necessity of avoiding direct or indirect transference of body discharges.
4. Control of public dispensaries where communicable eye diseases are treated, and creating of special treatment classes where the disease prevails.
5. Exclusion of infected immigrants at national boundaries, or preferably at foreign port of embarkation.
6. Routine examination of eyes of children admitted to institutions, or in industrial camps where the disease is prevalent.
7. Under certain conditions in areas of widespread prevalence of the disease, the prophylactic use of solutions of zinc sulfate (1 percent), or copper sulfate (0.5 percent) may prove a valuable protective measure for children.

Trichinosis

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, marked eosinophilia, and intradermal and precipitin tests, confirmed after the third week of symptoms or fever by examination of biopsied muscle for encysted larvae.
2. Isolation: None.
3. Concurrent disinfection: None.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Effort should be made to trace source of infection in pork or pork products believed to be involved. Examination of pressed or digested preparation may reveal trichina larvae.

B. *General measures:*

1. Inauguration of local and state meat inspection to assure adequate processing of all pork products not processed under Federal inspection, and customarily eaten without further adequate cooking by the consumer.
2. Encouragement of farmers and hog raisers in the use of standard swine sanitation practices which will reduce opportunity for trichina infection in swine.
3. Control of rats, particularly on farms and around hog-raising establishments and stockyards.
4. Burial or other adequate disposal of rat and swine carcasses to prevent hogs from feeding on them.

5. Elimination of the current practice of feeding garbage and offal to swine or the adoption and enforcement of suitable laws and regulations ensuring cooking such material before its consumption by swine.
6. Cooking of all fresh pork and pork products by the consumer, at a temperature and for a time sufficient to allow all parts of the meat to reach a temperature of at least 150° F., unless it is known that these meat products have been processed under Federal or other official regulations adequate for the destruction of trichinae.

Tuberculosis, Pulmonary

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: By use of the X-ray followed by thorough physical examination supplemented by tuberculin testing when necessary and confirmed by bacteriological examination of sputum and other materials. Early discovery in contacts, particularly in family groups exposed to an open case of tuberculosis ("Positive" sputum), is of great importance.
2. Isolation of such "open" cases as do not observe the precautions necessary to prevent the spread of the disease. A period of hospital or sanatorium treatment is very desirable in all cases to remove the patient as a focus of infection in his home, and to teach him the hygienic essentials of tuberculosis control as well as to increase his chances of recovery.
3. Concurrent disinfection: Of sputum and articles soiled with it. Particular attention should be paid to prompt disposal or disinfection of sputum itself, of handkerchiefs, cloths, or paper soiled therewith, and of eating utensils used by the patient. Patients should be trained in aseptic respiratory technique in sneezing, coughing, laughing, and talking.
4. Terminal disinfection: Cleaning and renovation.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Contacts of all known cases should be examined roentgenologically, with particular attention to elderly persons with chronic cough.

B. *General measures:*

1. Education of the public in regard to the danger of tuberculosis, the mode of spread, and the methods of control, with especial stress upon the danger of exposure and infection in early childhood.
2. Provision of X-ray and clinical facilities for examination of contacts and suspects, public health nursing service for home super-

vision of cases and for ensuring examination of contacts, and dispensary service for continuation of collapse therapy in ambulant cases and for clinical supervision of patients not otherwise so supervised.

3. Provision of adequate sanatorium facilities for isolation and treatment of active cases. A minimum of 2 beds per annual tuberculosis death in the community is a desirable ratio.
4. Elimination of the inhalation of silica dust in dangerous quantity in industrial establishments and trades.
5. Pasteurization of all milk supplies.
6. Improvement of habits of personal hygiene and betterment of living conditions among the underprivileged.
7. Improvement of housing conditions and nutrition of the poor.
8. Separation of babies from tuberculous mothers at birth.
9. Eradication of tuberculosis in cattle.

Tuberculosis, Other than Pulmonary

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical signs and symptoms confirmed by bacteriological examinations.
2. Isolation: None.
3. Concurrent disinfection: Discharges and articles freshly soiled with them.
4. Terminal disinfection: Cleaning.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Search should be made for possible original source in family, household, or other intimate contacts, and to discover previously unrecognized cases of similar origin, such a search to be aimed at discovery of infected but latent or arrested cases as well as those showing an active process. Special inquiry and investigation should be made to discover possible source of bovine tubercle infection where unpasteurized milk has been used in the family or particularly used uncooked by the patient.

B. *General measures:*

1. Pasteurization of milk and milk products and inspection of meats.
2. Eradication of tuberculosis in dairy cattle.
3. Patients with open lesions should be prohibited from handling foods.
4. Adequate hospital, sanatorium, and out-patient facilities for discovery, control, and clinical management.

Tularemia

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Human cases should be reported to the health department.
2. Isolation: None.
3. Concurrent disinfection: Disinfection of discharges from the ulcer, lymph glands, or conjunctival sac.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection should be undertaken in each case.

B. *General measures:*

1. Avoidance of the bites of, or handling of, flies and ticks when working in the infected zones during the seasonal incidence of blood-sucking flies and ticks.
2. The use of rubber gloves by persons engaged in dressing wild rabbits wherever taken, or when performing necropsies on infected laboratory animals. Employment of immune persons for dressing wild rabbits or conducting laboratory experiments. Thorough cooking of meat of wild rabbits.
3. Avoidance of raw drinking water in infected areas.

Typhoid Fever

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms confirmed by specific agglutination test and bacteriological examination of blood, bowel discharges, or urine.
2. Isolation: In flyproof room, preferably under hospital conditions, of such cases as cannot command adequate sanitary environment and nursing care in their homes. Release from isolation should be determined by two successive negative cultures of stool and urine specimens collected not less than 24 hours apart.
3. Concurrent disinfection: Disinfection of all bowel and urinary discharges and articles soiled with them.
4. Terminal disinfection: Cleaning.
5. Quarantine: None.
6. Immunization: Of susceptibles in the family or household of the patient who have been exposed or may be exposed during the course of the disease.
7. Investigation of source of infection: The actual or probable source of infection of every case should be determined by search-

ing for common and individual sources (1) polluted water, milk, shellfish, and other food supplies, (2) unreported cases and carriers.

B. General measures:

1. Protection and purification of public water supplies.
2. Pasteurization of public milk supplies.
3. Limitation of collection and marketing of shellfish to those from approved sources.
4. Sanitary disposal of human excreta.
5. Supervision of other food supplies, and of food handlers.
6. Prevention of fly breeding.
7. Extension of immunization by vaccination to persons subject to unusual exposure by reason of occupation or travel, to those living in areas of high endemic incidence of typhoid fever and to those for whom the procedure can be systematically and economically applied, as in the military forces and institutional populations.
8. Discovery and supervision of such typhoid carriers, and their exclusion from the handling of foods, as epidemiological and bacteriological evidence indicate are of importance.
9. Exclusion of suspected milk supplies on epidemiological evidence pending discovery and elimination of the cause of contamination of the milk.
10. Exclusion of suspected water supply, until adequate protection or purification is provided unless all water used for toilet, cooking, and drinking purposes is boiled before use.
11. Education of the general public and particularly of food handlers concerning the sources of infection and modes of transmission of the disease.
12. Instruction of convalescents and chronic carriers in personal hygiene, particularly as to sanitary disposal of fecal waste and hand-washing after use of toilet, and restraint from acting as food handlers.

Typhus Fever

A. The infected individual, contacts, and environment:

1. Recognition of the disease and reporting: Cases should be promptly reported to the health authorities.
2. Isolation: In a vermin-free room.
3. Concurrent disinfection: Destroy all lice and louse eggs on the clothing or in the hair of the patient.
4. Terminal disinfection: None.

5. Quarantine: In the presence of lice, exposed susceptibles should be quarantined for 14 days after last exposure.
 6. Immunization: Methods not applicable to conditions in the United States.
 7. Investigation of source of infection: Particular attention should be paid to patient's contact with rats, and with louse-infected persons or clothing.
- B. *General measures*: The elimination of rats.
- C. *Epidemic measures*: Delousing of persons, clothing, and premises.

Undulant Fever (Brucellosis)

- A. *The infected individual, contacts, and environment*:
1. Recognition of the disease and reporting: The clinical picture and particularly the undulant character of the fever, supplemented by exact determination through the use of agglutination tests and bacteriological examination of the blood and urine for the infecting micro-organism.
 2. Isolation: None.
 3. Concurrent disinfection: Ordinary sanitary precautions. Extreme care is necessary in laboratory work, especially when dealing with *Brucella melitensis*.
 4. Terminal disinfection: None.
 5. Quarantine: None.
 6. Investigation of source of infection: Human cases should be traced to the common or individual source of infection, usually to infected domestic goats, swine, or cattle, or to the unpasteurized milk products from cattle and goats.
- B. *General measures*:
1. Pasteurization of milk whether from cows or goats.
 2. Search for infection among livestock by agglutination reaction and elimination of infected animals from the herd by segregation or slaughter.
 3. Education of the public and particularly workers in slaughter houses, packing houses, and butcher shops, as to the nature of the disease, the mode of transmission, and the danger of handling carcasses or products of infected animals.

Whooping Cough (Pertussis)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms, supported by a differential leucocyte count.
2. Isolation: Isolation to continue for seven days after the occurrence of the last characteristic whoop. Patient shall not be permitted to come in contact with non-immune children under six years of age.
3. Concurrent disinfection: Discharges from the nose and throat of the patient and articles soiled with such discharges.
4. Terminal disinfection: Thorough cleaning.
5. Quarantine: Limited to the exclusion of non-immune children from school and public gatherings for 14 days after their last exposure to a recognized case. This applies to exposures in the household or under other similar conditions.
6. Immunization: Use of prophylactic vaccination is recommended by some observers, but for public health practice is still in the experimental stage. There is some evidence that attacks are milder in the vaccinated.
7. Investigation of source of infection: An effort should be made to discover undiagnosed and unreported cases, with the main object in view of protecting young children from exposure, and thus reducing the mortality. Postponement of the age of infection at least until school age and great care in the management of the disease in young children offer some hope of reducing deaths from whooping cough although reduction of incidence by any means appears unlikely. Carriers in the exact sense of the term are not known to occur.

B. *General measures:* Education in habits of personal cleanliness and in the dangers of association or contact with those showing catarrhal symptoms with cough.

Yaws (Frambesia)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting.
2. Isolation not practicable.
3. Concurrent disinfection: Protection of all sores and lesions in endemic locality, and disinfection of soiled dressings.
4. Terminal disinfection: None.
5. Quarantine of cases entering non-infected area of tropics.
6. Immunization: None.

7. Investigation of source of infection: In indigenous areas local surveys of incidence should be made, range of prevalence determined, and cases in early stages sought for, especially in children.

B. *General measures:*

1. Free clinics, laboratory service, and arsenicals for diagnosis and treatment.
2. Information service for physicians, patients, and public.
3. Promotion of adequate personal prophylaxis.
4. Education in schools, clinics, clubs, etc., as to methods of spread, prevention, and treatment.

Yellow Fever

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms.
2. Isolation: Isolate from mosquitoes in a special hospital ward or thoroughly screened room. It is necessary that the room or ward should be freed from mosquitoes by fumigation, trapping, or highly responsible collection and destruction of the insects. Isolation necessary only for the first 4 days of the fever.
3. Concurrent disinfection: None.
4. Terminal disinfection: None, except for the purpose of destroying mosquitoes in the house occupied by the patient and in the nearest neighboring dwellings, usually best by gaseous fumigation.
5. Quarantine: None.
6. Immunization: Immunity is quickly conferred by a single inoculation with an attenuated strain of living virus.
7. Investigation of source of infection: Human carriers are not known to exist. Search for undiscovered mild and unreported cases of illness resembling yellow fever, examination of viscero-tome specimens from bodies of persons dying less than 10 days after onset of an acute febrile illness, and systematic testing of immunity in groups related in time and proximity to the case in question are of epidemiological importance. Search for the *Aedes aegypti* mosquito and other species believed to be capable of transmitting the infection should be particularly thorough in the vicinity of residence, work, or travel or known cases of the disease.

B. *General measures:*

1. Immediate immunization of all persons in the community is the quickest control measure.
2. Destruction of mosquitoes in infected and adjacent homes should be done at once.

3. Eliminate breeding of *Aedes aegypti* mosquito throughout the community by organized service of inspection and sanitary control.
4. An inspection service for discovery of those ill with the disease is desirable whether the disease occurs in the classical, mild, or atypical form.

CLASS C

Ascariasis

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease by examination of the stools for ova.
2. Isolation: None.
3. Concurrent disinfection: Sanitary disposal of feces, and washing hands in soap and water after defecating and before eating.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Individual and environmental sources of infection should be sought for in the persons and premises of the patient's family particularly.
8. Treatment: Suitable treatment for the removal of adult worms from infected individuals with hexylresorcinol, oil of chenopodium, or santonin, with preference in the order named.

B. *General measures:*

Provision for adequate facilities for proper fecal disposal and elimination of soil pollution in areas immediately adjacent to the home, particularly in play areas of children.

In rural sections, privies should be so constructed as to obviate dissemination of ascarid ova through overflow, drainage, and other factors.

Education of all members of family, particularly children, to use toilet facilities available.

Encouragement of satisfactory hygienic habits on the part of children in particular, especially the practice of washing the hands before handling food, and after defecating.

Coccidioidomycosis (Coccidioidal Granuloma, "Valley Fever")

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical characteristics and bacteriological confirmation.
2. Isolation: None.
3. Concurrent disinfection: All discharges from skin lesions of the

infected individual, from necrotic lymph nodes, the sputum, and articles soiled with these.

4. Terminal disinfection: Not important.
5. Quarantine: None; neither contacts nor carriers are known to be spreaders of the disease.
6. Investigation of source of infection: Unprofitable except as a research effort.

- B. *General measures:* None, other than education of persons generally that agricultural workers and laborers should have prompt treatment of skin wounds. Laboratory workers should exercise particular care in handling cultures of the infecting micro-organism and dried material which may contain its spores.

Common Cold

- A. *The infected individual, contacts, and environment:*

1. On recognition of the premonitory or early stage of a "cold" the infected person should avoid direct and indirect exposure of others, particularly little children, feeble or aged persons, or persons suffering from any other illness.
2. Isolation: Such modified isolation as can be accomplished by rest in bed for 1 or 2 days is to be advised.
3. Concurrent disinfection: The disposal of nasal and mouth discharges by the use of soft paper, by burning or putting in the toilet, or otherwise, to avoid contamination of hands and articles of common use, is to be urged.
4. Terminal disinfection: None, except airing and sunning room and bedding.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Unprofitable except as a research project.

- B. *General measures:*

1. Education in the refinements of personal hygiene and disposal of nose and mouth secretions.
2. Maintenance of good bodily resistance by regular use of fresh air by day and by night, outdoor exercise, sufficient rest to avoid conscious fatigue, a balanced diet, regular bowel evacuation, and clothing appropriate to climate and use.

Filariasis

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease and reporting.
 2. Isolation: Not practicable.
 3. Quarantine: None.
 4. Immunization: None.
 5. Investigation of source of infection most important. Surveys of incident and range in endemic foci.
 6. Anti-mosquito measures should be undertaken against the transmitting mosquito, particularly in endemic areas. In the case of *Culex fatigans*, the mosquito generally breeds in filthy locations such as in septic tanks, collections of rain water in tin cans, etc. Screening of sleeping places of considerable value because *Culex fatigans* usually feeds at night.
- B. *General measures:* Education of the public concerning the mode of transmission of filariasis and methods of mosquito control.

Hemorrhagic Jaundice (Spirochetosis Icterohemorrhagic, Weil's Disease)

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease and reporting: Characteristic clinical symptoms, isolation of the organism from the blood or urine, and positive serological tests.
 2. Isolation: None.
 3. Concurrent disinfection: Urine and other discharges of patient.
 4. Terminal disinfection: None.
 5. Quarantine: None.
 6. Immunization: None practical.
 7. Investigation of source of infection: Search for rats or dogs harboring the *Leptospirae* and for sources of food or water to which such animals have access, e. g., communal baths, fish-cleaning establishments, mines, sewers, etc.
- B. *General measures:*
1. Rat control by ratproofing, trapping, and poisoning.
 2. Sanitary disposal of human wastes in civil and military environment.
 3. Destruction of *Leptospirae* in nature by drainage of mines and soil, and disinfection of water in fish-cleaning establishments with 1:60 hypochlorite solution.
 4. Education in the value of proper disposal of water, storing and keeping foods, and other general sanitary measures.

5. Protection of workers exposed to infection by preventing organisms from entering through the skin and mouth by the use of boots, gloves, avoidance of skin abrasions, etc.

Impetigo Contagiosa

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: On appearance of the characteristic clinical picture; it is of general importance only to prevent spread in schools and other groups of children.
2. Isolation: Exclusion from school and other public gatherings until the disease is no longer communicable.
3. Concurrent disinfection: Cleanly disposal of dressings and moist discharges from the patient.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: On the appearance of a case in a group of children, the others should be watched. Among infants it is especially important to locate any skin infection in an attendant. All persons with skin lesions should be kept from even indirect contact with newborn babies.

B. *General measures:*

1. Personal cleanliness, particularly the avoidance of common use of toilet articles among children.
2. Prompt treatment of the first case in a group of children will abbreviate the period of communicability and prevent extension of lesions to new sites.

Pediculosis (Lousiness)

A. *The infested individual, contacts, and environment:*

1. Recognition of the state of lousiness by direct inspection of school children for lice and nits and report to school authorities.
2. Isolation: Exclusion of the infested person from school and public places until live lice are destroyed, and supervision until nits are removed.
3. Concurrent disinfestation: Such washing of person and treatment of body clothing and toilet articles as will destroy lice and nits.
4. Terminal disinfestation: None.
5. Quarantine: None.
6. Investigation of source of infestation: Search for unreported and undetected cases of lousiness among companions, and especially among members of family and household.

B. *General measures:*

1. Direct inspection of the heads and, when necessary, of the body and clothing where lousiness is found in groups of either children or adults, particularly of children in schools, institutions, and camp groups.
2. Provision of facilities, medicinal and hygienic, for freeing the persons and clothing of infested individuals and groups, of lice and nits.
3. Education in the value of bodily cleanliness by use of hot water and soap and of washing body clothing in a way to prevent the survival of lice.

Rat-Bite Fever (Sodoku)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms are more uniformly definite than laboratory confirmation, but latter should always be attempted with thoroughness.
Prompt cure by arsphenamines is of diagnostic value.
2. Isolation: None.
3. Concurrent disinfection: None.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Not practicable except as suggested under General measures.

- B. *General measures:* Rat surveys and rat eradication. Avoidance of rat bites, especially by not sleeping on or near earthen floors or in rat-ridden communities and houses.

Relapsing Fever

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: Clinical symptoms with laboratory confirmation; curative action of arsphenamines also confirmatory.
2. Isolation: None.
3. Concurrent disinfection: None.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Important.

B. *General measures:*

1. Tick and louse eradication.
2. In endemic areas avoidance of sleeping in the open or in camps.

Ringworm (Dermatophytosis)

A. *The infected individual, contacts, and environment:*

1. Recognition of the disease and reporting: All cases recognized on inspection of school children should be reported to school authorities.
2. Isolation: Children and adults with marked cases of the disease should be excluded from privileges in gymnasium and at swimming pools. Exclusion from school may be desirable in cases of ringworm of the scalp.
3. Concurrent disinfection: Cleanliness of body and underclothes. Use cotton socks which can be boiled in case of infection of the feet. Shoes may be exposed to formaldehyde.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Among school children medical inspection should be used to detect unreported cases. In gymnasia and buildings devoted to athletics, particularly swimming, search should be made as a routine, to exclude cases from common facilities.

B. *General measures:*

1. Cleanliness of body and underclothing, thorough drying of feet.
2. Prompt and persistent treatment of the lesions should be urged.
3. Protection of feet against contamination in showers and dressing rooms and areas used by people with bare feet.
4. The use of disinfecting solutions may prove useful in connection with common bathing and dressing rooms.

Scabies (The Itch)

A. *The infested individual, contacts, and environment:*

1. Recognition of the disease and reporting: The condition should be reported to the school authorities if discovered in school children.
2. Isolation: Exclusion from school and other public gatherings until the disease is no longer communicable.
3. Concurrent disinfection: Care of body clothing and bedding until free from the infestation.

4. Terminal disinfestation: Underclothing and bed covering to be so treated by dry heat or washing as to destroy the mite and the eggs.
 5. Quarantine: None.
 6. Investigation of source of infestation: Search for unreported or unrecognized cases in companions or house or family mates of the infested individual.
- B. *General measures:* Cleanliness of body and underclothing and bed covering especially.

Schistosomiasis

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease by symptomatology and microscopical examination of the stools or urine for ova.
 2. Isolation: None.
 3. Concurrent disinfection: Sanitary disposal of feces and urine.
 4. Terminal disinfection: None.
 5. Quarantine: None.
 6. Immunization: None.
 7. Investigation of source of infection: Important; examination of local waters for infected snails followed by a vigorous campaign to eliminate sources of pollution and snails from these waters.
- B. *General measures:*
1. Regulation of disposal of sewage.
 2. Treatment of the infected persons by sodium antimony tartrate, foudadin, or other trivalent antimony compounds.
 3. Education of people in endemic areas regarding method of transmission. School children should be warned not to bathe in infected streams and persons whose occupations require them to wade in infected waters should be cautioned and provided with suitable waterproof garments.

Vincent's Infection

(Vincent's Angina, Ulcerative or Necrotic Stomatitis, Trench Mouth)

- A. *The infected individual, contacts, and environment:*
1. Recognition of the disease and reporting: On clinical manifestations with or without bacteriological confirmation should be reported to school authorities when found among school children, and under conditions of military service should be reported whether as angina or stomatitis.

2. Isolation: None.
3. Concurrent disinfection: All discharges from mouth and nose.
4. Terminal disinfection: None.
5. Quarantine: None.
6. Immunization: None.
7. Investigation of source of infection: Inspection of mouths and throats of other children or adults associated with the patient, at home or in school. Carriers are too common to be worth searching for by culture methods.

B. *General measures:*

1. Encouragement of oral hygiene; correction of abnormal or diseased conditions of teeth and gums.
2. Education in matters of nutrition and hygiene.
3. Outbreaks involving small children, especially institutional, warrant special measures because of the danger of the possible complication of noma.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 17. **(Disinfection.)** Concurrent disinfection shall be practiced by the person or persons in charge of the patient during the course of the diseases for which it is required in these regulations, and shall consist in the immediate destruction of disease-producing organisms in the discharges of the patient, and in articles soiled by such discharges, by burning, or by immersion in boiling water, or in carbolic acid and water in the proportion of one in twenty, or in some other solution of equivalent strength or efficacy. Fecal material shall be disinfected by being thoroughly broken up and placed in milk of lime solution, made by adding four parts of water to one part of freshly slaked lime, or in some solution of equivalent strength or efficacy.

Cleansing shall be practiced by the person or persons in charge of the premises where a patient has been removed or has died or recovered from a disease in which cleansing is required in these regulations. Cleansing shall be performed under the direction of the health commissioner and shall consist in scrubbing with hot water and soap, with some disinfectant solution equal to carbolic acid in the proportion of one in twenty, or by other mechanical means, of all surfaces and materials which have been soiled by or exposed to infectious material. When in the judgment of the health commissioner it is impossible to cleanse the sickroom or premises thoroughly, disinfection with gaseous agents shall be performed in the manner provided for in these regulations.

Gaseous disinfection shall be performed by the health commissioner or by some person appointed by the health commissioner after the patient

has been removed or has died or recovered from the disease in which cleansing or terminal disinfection is required in these regulations, when such cleansing in the opinion of the health commissioner can not be properly performed. Such gaseous disinfection shall be performed by vaporizing not less than sixteen ounces of forty per cent commercial formalin for each one thousand cubic foot of space and the room or place being disinfected shall be maintained at a temperature of not less than seventy degrees Fahrenheit and properly sealed to prevent the escape of the gas. Such other gaseous disinfectants may be used as the health commissioner may elect, providing they are equal in bacterial strength to sixteen ounces of formalin for each one thousand feet of space.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 17a. **(Disinfection and sterilization of mattresses.)**

No person, firm, corporation or association shall rent, furnish or deliver, under an agreement or contract for return to the owner, any mattress or other bedding. No mattress or bedding used by a person having a communicable disease or other disease dangerous to the public health shall be used by any other person until said mattress and bedding have been thoroughly cleansed, disinfected and sterilized in a manner prescribed by the health commissioner of the health district in which the disease was reported.

Adopted October 18, 1941; effective December 1, 1941.

VENEREAL DISEASES

Regulation 18. **(Definition.)** Syphilis, gonorrhea, lymphogranuloma venereum, granuloma inguinale and chancroid, hereinafter designated venereal diseases, are hereby declared to be contagious, infectious, communicable and dangerous to the public health.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 19. **(Reports.)** Any physician, dentist or other person who makes a diagnosis in or treats a case known to be, or reasonably suspected of being a venereal disease and every superintendent or manager of a public or private hospital, dispensary, charitable, benevolent or penal institution, in which there is a known or suspected case of venereal disease, shall report such case to the health commissioner of the district in which the patient resides. Such reports shall be made within twelve hours on the form prescribed by the state department of health and shall include the name, age, sex, color and occupation of the diseased person, the date of

onset of the disease, and the probable source of infection if same by reasonable diligence can be ascertained. Such reports shall be enclosed in a sealed envelope.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 20. (Instruction to patients.) Every physician, dentist, or other person who examines or treats a person having a venereal disease, shall at the first visit, instruct him or her in the measures for preventing the spread of such disease and the necessity for treatment until cured, and shall furnish him or her such information relating to said disease as shall be provided for this purpose by the state department of health.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 21. (Druggists to keep records.) Every druggist, pharmacist, or other person who sells to anyone except a licensed physician any drug, specific, compound or preparation of any kind advertised to be used for the cure or treatment of venereal disease or sold in response to a request for a remedy for venereal disease, shall keep a record of the name, address, color and sex of the person making such purchase, together with the name or description of the articles purchased and shall make a report thereof within twelve hours to the health commissioner on forms provided for that purpose. Such record shall be available for inspection by the health commissioner, the state director of health, or their representatives.

Adopted May 14, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 22. (Investigation of cases.) The health commissioner of each city and general health district shall use every available means to ascertain the existence of, and to investigate all cases of venereal diseases within their several jurisdictions and to ascertain the sources of such infection.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 23. (Examination of cases; enforcement.) The health commissioner of each city and general health district is hereby empowered and directed to make, or cause to be made, such examinations of persons reasonably suspected of having a venereal disease, as may be necessary for carrying out these regulations. Such examinations shall be made only by regularly licensed physicians. All known prostitutes and persons associating with them, and any person reported to the health commissioner as having been a sexual contact of an individual afflicted with a venereal disease, shall be considered as reasonably suspected of having a venereal

disease. Such report of sexual contact shall be made by the Ohio department of health, by a practicing physician, by a physician or other representative of a local, state or federal agency, or may be made in writing and signed by the person claiming the sexual contact. Boards of health and health commissioners shall cooperate with the proper officials whose duty it is to enforce laws against prostitution and shall otherwise use every proper means for the repression of prostitution which is hereby declared to be a prolific source of venereal disease.

Adopted May 14, 1920; amended November 14, 1943; filed with Secretary of State November 18, 1943; effective December 1, 1943.

Regulation 24. **(Isolation of venereally diseased persons.)** The health commissioner shall immediately institute measures for the protection of other persons from infection by any venereally diseased person and may isolate any person who has, or is reasonably suspected of having a venereal disease, whenever, in his opinion, isolation is necessary for the protection of the public health. In establishing the isolation of a venereally diseased person, the health commissioner shall provide for detention in a detention hospital or other suitable place where such person will receive necessary care and approved medical treatment for his disease. No such person shall be confined in a workhouse, jail or similar place unless committed by due legal process.

Adopted July 1, 1920; amended June 21, 1942; effective August 15, 1942.

Regulation 25. **(Report of termination of treatment.)** If any person being treated for a venereal disease discontinues treatment while the disease is still communicable, the physician shall report such discontinuance of treatment to the health commissioner. The health commissioner shall institute such measures for the protection of the public against such diseased person as may be necessary.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 26. **(Exposure of another person.)** No person knowing himself or herself to be infected with a venereal disease shall expose another person to infection with such venereal disease. Exposing another person to venereal disease shall be construed to include, not only engaging in sexual intercourse, but also engaging in any occupation such as that of barber, manicure, cook or waiter which involves intimate direct contact with other persons or with food products.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 27. **(Notice of removal of infected person.)** When

any person known to the health commissioner of any district to be infected with a venereal disease in a communicable stage shall remove to any other health district, it shall be the duty of the health commissioner having knowledge of the facts to notify the health commissioner of the district to which such infected person shall remove of the name of such person, the disease from which he is suffering, the address to which such person has moved or intends to move and such other information as may be necessary for the protection of the public health.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 28. **(Certificates.)** No physician shall issue a certificate to any person stating that such person is free from any venereal disease except after careful clinical and laboratory examination, and unless such physician shall first have satisfied himself or herself that such certificate is not intended to be used for solicitation for sexual intercourse.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 29. **(Secrecy of reports and records.)** Reports and records of cases of venereal disease shall be so kept as to be inaccessible to the public and shall not be produced or made public unless under proper order of a court of competent jurisdiction. No person who shall have or who shall gain access to such reports or records shall divulge any information or facts therein contained.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 30. **(Interpretation.)** Should any of the foregoing regulations for the prevention of venereal diseases or any part of such regulations be decided by any court to be unconstitutional or invalid, the same shall not affect the validity of said regulations as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Adopted May 14, 1920; effective July 1, 1920.

INFLAMMATION OF THE EYES OF THE NEWBORN AND GONORRHEAL OPHTHALMIA

Regulation 31. **(Definitions.)** The following regulations shall apply to all cases of inflammation of the eyes as defined in section 1248-1, of the General Code, as follows: Any inflammation, swelling or redness in either one or both eyes of any infant, either apart from or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring any time within two weeks after the birth of such

infant, shall be known as "inflammation of the eyes of the newborn". Any inflammation of the conjunctiva or cornea, either apart from or together with any unnatural discharge from the eye or eyes, occurring at any time after two weeks after birth, if caused by the gonococcus, shall be known as "gonorrheal ophthalmia".

Adopted May 14, 1920; amended October 18, 1941; effective December 1, 1941.

Regulation 32. **(Who shall report.)** Within six hours after observing or knowing a condition to exist as defined in regulation 31, of the Ohio sanitary code, the physician, surgeon, obstetrician, midwife, nurse, or other person in attendance upon the person so afflicted, shall report the case to the health commissioner of the city or general health district in which such afflicted person is a resident. The report shall include the name, sex and age of such person, the place where such person may be found, and the condition with which he is afflicted. If the afflicted person is in a maternity home or hospital of any nature, the report, as herein prescribed, shall be made by the superintendent or person in charge of such home or hospital. When the afflicted person is not under medical care, the report shall be made by the parent, relative or other person knowing such condition to exist.

Adopted May 14, 1920; amended October 18, 1941; effective December 1, 1941.

Regulation 33. **(Form of reports.)** The report required by regulation 32, of the Ohio sanitary code, shall be made on the communicable disease report card prescribed and furnished by the state department of health, by telephone, or in person. Where the report to the health commissioner is made by telephone or other means of communication, the required data shall be immediately recorded on a communicable disease report card with the name of the informant and the date and hour of the report.

Adopted May 14, 1920; amended October 18, 1941; effective December 1, 1941.

Regulation 34. **(Reports to State Department of Health.)** The health commissioner shall immediately send to the state department of health, a communicable disease report card for each case of inflammation of the eyes of the newborn and each case of gonorrheal ophthalmia.

Adopted May 14, 1920; amended October 18, 1941; effective December 1, 1941.

Regulation 35. **(Investigation of reports.)** Each case of inflammation of the eyes of the newborn and gonorrheal ophthalmia shall be immediately investigated by the health commissioner, or his authorized representative. He shall determine the nature of the inflammation of the eyes and shall immediately refer to the Ohio commission for the blind any case which, in his opinion, is in need of treatment and care. The health commissioner shall immediately send to the state department of health and to the Ohio commission for the blind, a copy of the report of the investigation of each and every case of inflammation of the eyes of the newborn and each and every case of gonorrheal ophthalmia on forms approved and furnished by the state department of health for this purpose.

Adopted May 14, 1920; amended October 18, 1941; effective December 1, 1941.

Regulation 36. The state department of health shall make and preserve a record of all cases of inflammation of the eyes of the newborn and gonorrheal ophthalmia reported by health commissioners in accordance with the provisions of section 1248-3, of the General Code, and regulations 34 and 35, of the Ohio sanitary code.

Adopted May 14, 1920; amended October 18, 1941; effective December 1, 1941.

Regulation 37. That regulations 31, 32, 33, 34, 35, 36, and 37, of the Ohio sanitary code, adopted May 14, 1920 be and the same are hereby repealed.

Regulations 38 to 47. These regulations, governing the physical examination of school children, teachers and janitors, adopted jointly by the superintendent of public instruction and the public health council, May 24, 1920, were made ineffective by the repeal, September 16, 1943, of the statute (7692-2, G. C.) authorizing their adoption.

TRANSPORTATION OF THE DEAD

Regulation 48. **(Transit permit and transit label.)** A transit permit and transit label issued by the proper health authorities shall be required for each dead body transported by common carrier.

The transit permit shall state the name, sex, color and age of the deceased, the cause and date of death, the initial and terminal points, the date and route of shipment, a statement as to the method of preparation of the body, the date of issuance, the signature of the undertaker and the signature and official title of the officer issuing the permit.

The transit label shall state the place and date of death, the name of the deceased, the name of the escort or consignee, the initial and terminal points, the date of issuance and the signature and official title of the officer issuing the permit. This label shall be attached to the outside case.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 49. **(Transportation of bodies dead of acute contagious disease.)** The transportation of bodies dead of smallpox, plague, Asiatic cholera, typhus fever, diphtheria (membranous croup, diphtheritic sore throat), scarlet fever (scarlet rash, scarlatina), shall be permitted only under the following conditions:

The body shall be thoroughly embalmed with an approved disinfectant fluid by an embalmer licensed in the state of Ohio, or in the state in which the death occurred, all orifices shall be closed with absorbent cotton, the body shall be washed with the disinfectant fluid, enveloped in a sheet saturated with the same, and placed at once in the coffin or casket which shall be immediately closed, and the coffin or casket, or the outside case containing the same shall be metal or metal-lined, and hermetically and permanently sealed.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 50. **(Transportation of other bodies.)** The transportation of bodies dead of any diseases other than those mentioned in regulation 49 shall be permitted under the following conditions:

(A) When the destination can be reached within twenty-four hours after death the body, if embalmed by an embalmer licensed in the state of Ohio, or in the state in which death occurred, shall be placed in a casket or coffin, and encased in an outside case of substantial construction. If not embalmed, the body shall be placed in a casket or coffin which shall be encased in a strong outer box made of good sound lumber not less than seven-eighths of an inch thick, all joints must be tongued and grooved, top and bottom, put on with cleats or cross pieces, all put securely together, and be tightly closed with white lead, asphalt varnish or paraffin paint, and a rubber gasket placed on the upper edge between the lid and box.

(B) When the destination cannot be reached within twenty-four hours after death, the body shall be thoroughly embalmed and the coffin or casket placed in an outside case of substantial construction.

(C) Bodies may be received for transportation to a medical college when prepared for shipment by washing the body with an approved disinfecting fluid, the closing of all orifices, the wrapping of the body in absorbent cotton and enclosing it in a sheet soaked in a ten per cent solution of formalin. Bodies thus prepared shall be

enclosed in a zinc lined rubber gasketed box with suitable handles. All such bodies must reach their destination within sixty hours after death.

Adopted May 14, 1920; amended April 24, 1925; effective May 1, 1925.

Regulation 51. **(Disinterred bodies.)** No disinterred body dead from any disease or cause shall be transported by common carrier unless approval of the disinterment and removal has first been given in writing by the health commissioner having jurisdiction at the place of disinterment, and transit permit and transit label shall be required as provided in regulation 48.

The disinterment and transportation of bodies dead of diseases mentioned in regulation 49 shall not be allowed except by special permission of the health authorities at both places of disinterment and point of destination.

All disinterred remains shall be enclosed in metal or metal-lined boxes and hermetically sealed, providing that a body in a receiving vault, when prepared by a licensed embalmer, shall not be regarded as a disinterred body until after the expiration of thirty days.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 52. **(Transportation by hearse.)** The outside case may be omitted in all instances when the coffin or casket is transported in a hearse or an undertaker's wagon.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 53. **(Handles on outside case.)** Every outside case shall bear at least four handles, and when over six feet six inches in length shall bear six handles.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 54. **(Disinfectant fluid.)** An approved disinfectant fluid shall contain not less than five per cent of formaldehyde gas. The term "embalming" as employed in these regulations shall require the injection by a licensed embalmer of not less than ten per cent of the body weight, injected arterially in addition to cavity injection, and six hours shall elapse between the time of embalming and the shipment of the body.

Adopted May 14, 1920; effective July 1, 1920.

TUBERCULOSIS HOSPITALS

Regulation 55. (**Reports.**) The county commissioners or board of trustees of each and every county or district tuberculosis hospital in Ohio shall file an annual report with the state commissioner of health, as provided in section 3153 [3139-3, 3139-13] of the General Code of Ohio, and shall make such other reports as may be required from time to time by the state commissioner of health.*

Adopted May 14, 1920; effective July 1, 1920.

Regulation 56. (**Inspections.**) An annual inspection and such other inspections as may be ordered of each and every county and district tuberculosis hospital in Ohio shall be made by the state commissioner of health or by his duly authorized representatives.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 57. (**Certificate of approval.**) A certificate of approval signed by the state commissioner of health and sealed with the official seal of the state department of health shall be issued annually to each and every county or district tuberculosis hospital in Ohio when it has complied with the laws governing such hospitals, the rules and regulations of the state department of health and the annual inspection indicates that such hospital is being conducted in a proper manner.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 58. (**Rules and regulations.**) The medical superintendent, or other responsible officer, of a county or district tuberculosis hospital in Ohio shall adopt rules and regulations for the internal management of his institution. Such rules and regulations shall not become effective until a copy of said rules and regulations has been filed with and received the approval of the state commissioner of health.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 59. (**New districts or additions to districts.**) When it is proposed to create a new tuberculosis hospital district or to enlarge or extend an existing tuberculosis hospital district, written application shall be made to the state commissioner of health.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 60. (**Admission of patients.**) Admission to any county or district tuberculosis hospital of a patient who is not an inmate of the county infirmary, shall be made on the diagnosis of a licensed physician and referred to the medical superintendent of the hospital on a blank furnished by the superintendent. After examination by the superintendent as to the suitability of the patient for

admission, the superintendent shall notify the county commissioners of the county of which the patient is a resident, by means of an authorization blank which, when signed by the county commissioners and returned to the medical superintendent shall be his authority to charge that patient against the county of which he is a resident.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 61. **(Notice of admission of patient.)** Within twenty-four hours after the admission of a patient into a county, district or semi-public tuberculosis hospital the medical superintendent or other person in charge of such hospital shall send to the director of health a preliminary notice of admission on a form to be provided by the director. Within thirty days after the admission of the patient there shall be sent to the director of health a final notice of admission which shall contain such details in regard to the patient as the director may require.

Adopted May 14, 1920; amended January 10, 1930; effective February 1, 1930.

Regulation 62. **(Notice of death or discharge.)** Within twenty-four hours after the death, discharge or voluntary leaving of a patient admitted to a county, district, or semi-public tuberculosis hospital the medical superintendent or other person in charge of such hospital shall send to the director of health a notice of such death, discharge or voluntary leaving on a form prescribed and furnished by such director.

Adopted May 14, 1920; amended January 10, 1930; effective February 1, 1930.

Regulation 63. **(Examination and treatment rooms.)** A room or rooms shall be set apart in each county or district tuberculosis hospital for examination and treatment, and shall be fully equipped for nose, ear and throat work. In each institution of one hundred beds or over equipment for minor surgery shall be provided.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 64. **(Laboratory.)** A laboratory equipped to do routine sputum and urine examination shall be provided in each county or district tuberculosis hospital.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 65. **(X-ray equipment.)** X-ray equipment for stereoscopic work shall be provided in each county or district tuberculosis hospital of forty or more beds.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 66. **(Medical superintendent and assistant.)** There

shall be a full-time medical superintendent, who shall be a licensed physician, for each county or district tuberculosis hospital of fifty beds or more. There shall be one assistant resident physician or interne for each additional fifty beds.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 67. **(Nurses.)** There shall be a graduate registered nurse in charge of nursing and at least one such additional nurse for night duty. Non-graduate nurses may be employed under the supervision of a graduate registered nurse.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 68 **(Form of reports.)** All reports, annual or otherwise, applications for approval and notifications required by these regulations shall be made on blank forms furnished by the state department of health.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 69. **(Records.)** Each county and district tuberculosis hospital shall keep a complete and accurate record of each patient admitted and shall use for this purpose the forms prescribed by the state department of health.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 70. **(Classification of patients.)** Patients shall be classified according to the following arrangement adopted by the American Sanatorium Association and by the National Tuberculosis Association:

Classification of Patients on Examination Lesion

Minimal: (Incipient.)—Slight lesion limited to a small part of one or both lungs. No serious tuberculosis complications.

Moderately Advanced: A lesion of one or both lungs, more widely distributed than under *Minimal*, the extent of which may vary, according to the severity of the disease, from the equivalent of one-third the volume of one lung to the equivalent of the volume of an entire lung with little or no evidence of cavity formation. No serious tuberculosis complications.

Far Advanced: A lesion more extensive than under *Moderately Advanced*. Or definite evidence of marked cavity formation. Or serious tuberculosis complications.

Symptoms

A—(Slight or none): Slight or no constitutional symptoms including particularly gastric or intestinal disturbance or rapid loss of weight; slight or no elevation of temperature or acceleration of pulse at any time during the 24 hours. Expectoration usually small in amount or absent. Tubercle bacilli may be present or absent.

B—(Moderate): No marked impairment of function, either local or constitutional.

C—(Severe): Marked impairment of function, local or constitutional.

Classification of Subsequent Observations

Apparently Cured: All constitutional symptoms and expectoration with bacilli absent for a period of two years under ordinary conditions of life.

Arrested: All constitutional symptoms and expectoration with bacilli absent for a period of six months; the physical signs to be those of a healed lesion; roentgen findings to be compatible with the physical signs.

Apparently Arrested: All constitutional symptoms and expectoration with bacilli absent for a period of three months; the physical signs to be those of a healed lesion; roentgen findings to be compatible with the physical signs.

Quiescent: Absence of all constitutional symptoms; expectoration and bacilli may or may not be present; physical signs and roentgen findings to be those of a stationary or retrogressive lesion; the foregoing conditions to have existed for at least two months.

Improved: Constitutional symptoms lessened or entirely absent; cough and expectoration with bacilli usually present; physical signs and roentgen findings to be those of a stationary or retrogressive lesion.

Unimproved: Essential symptoms unabated or increased; physical signs, and roentgen findings to be those of an active or progressive lesion.

Died.

Adopted May 14, 1920; amended January 10, 1930; effective February 1, 1930.

MATERNITY HOSPITALS

Regulation 71. (**Definition.**) The term "maternity hospital" as used in these regulations is defined to be a hospital, institution or place which receives, with or without compensation, girls or women for professional care, medical or nursing, because of pregnancy. This term shall include hospitals, institutions or places operated and main-

tained for the exclusive purpose of caring for pregnant girls and women and general hospitals which operate and maintain one or more maternity wards or sections for this purpose. The term does not include a private home in which a pregnant girl or woman is received who is related by blood or marriage to a resident in that home.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 72. **(Application for license.)** Application for a license to operate or maintain a maternity hospital shall be made on the form prescribed and furnished by the director of health. The application shall be signed by the superintendent or managing officer of the maternity hospital, and shall show authorization by the board of trustees or other governing body. The application shall be accompanied by the certificate of approval of the board of health of the city or general health district in which the maternity hospital is located, and the certificate of inspection and approval issued by the city building inspector or by an inspector of the division of factory and building inspection of the Ohio department of industrial relations. No building shall be used for maternity hospital purposes that does not meet the requirements of the Ohio law governing hospitals and the requirements of local building ordinances and regulations.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 73. **(Contents of license; to be recorded.)** The license issued by the director of health shall be valid for one year from date of issue unless sooner revoked. Said license shall state the date of issue, the name of the licensee, the particular premises to be used for maternity hospital purposes, and the maximum number of women and infants that may be cared for or maintained at any one time. No greater number of women and infants shall be kept at one time on such premises than is authorized by the license, and no women or infants shall be kept in a building or place not designated in the license. (G. C. 6261.) Licenses issued to maternity hospitals by the director of health shall be entered in his journal and shall be a public record. Notice of the issuance of a maternity hospital license, with the date and content thereof, shall be sent by the director of health to the health commissioner of the health district in which such hospital is located.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 74. **(License not transferable; new license.)** The license issued to a maternity hospital shall not be transferable. Any proposed change in ownership, management, location, name, or extension of facilities shall be reported to the director of health. When any such change is contemplated, an application for a new license shall be made. When appropriate to the circumstances, the approvals required by regulation 72 shall accompany the application. When a new license is issued, it shall be effective for one year from date of issue and the original license shall become void.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 75. **(Posting license.)** The license to operate and maintain a maternity hospital shall be posted in a conspicuous place on the premises licensed, and all employes of such hospital shall be fully informed with reference thereto by the superintendent or managing officer to insure compliance with the laws and regulations governing the operation and maintenance of maternity hospitals.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 76. **(Revocation of license.)** A maternity hospital license may be suspended or revoked by the director of health for the violation of a provision of law or of the Ohio sanitary code relating to maternity hospitals, or for maintaining such hospital without due regard to the safety, health and welfare of the inmates thereof. In the suspension or revocation of a maternity hospital license, the procedure prescribed by section 1235 of the General Code and by the administrative procedure act shall be followed.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 77. **(Notice of suspension or revocation.)** When the director of health determines that a maternity hospital license should be suspended or revoked, he shall serve notice of such determination upon the superintendent or managing officer of such hospital by registered mail, return receipt requested, or by personal service. Such notice shall state the cause for suspension or revocation. If a hearing by the public health council is requested, the director of health shall arrange for such hearing at a time and place agreeable to the public health council and the representatives of the maternity hospital. If the determination of the director of health to suspend or revoke the license is approved by the public health council, due

notice of such suspension or revocation of license shall be given as above specified for the original notice.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 78. **(Personnel.)** In each maternity hospital there shall be the following personnel:

1. (Medical.) There shall be at least one resident physician, or consulting physician, for each maternity hospital who shall assume responsibility for the general adequacy of the medical and nursing care of maternity patients and newborn infants, and who shall be available for emergency in case of need. A person who is authorized by law to practice obstetrics and not major surgery may operate a maternity hospital if he has associated with him a resident or consulting practitioner of the healing arts licensed to practice major surgery.

2. (Nursing.) A graduate registered nurse shall be responsible at all times for the nursing care of maternity patients and newborn infants. Nurses caring for maternity patients and newborn infants shall not attend other patients where infection may be present.

3. (Other personnel.) Attendants, maids, janitors, and other similar personnel shall have a complete physical examination before assignment to work in a maternity hospital, and at such other intervals as will insure that no employe of the maternity hospital is afflicted with a communicable disease.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 79. **(Sanitation.)** The building, equipment and surroundings of a maternity hospital shall be kept in a clean and sanitary condition at all times. Provision shall be made for the proper collection, storage and disposal of garbage, refuse and other waste material. Such system of collection, storage and disposal shall at all times be operated to the satisfaction of the health commissioner.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 80. **(Building requirements.)** A building used for maternity hospital purposes shall have the following facilities:

1. (Screens.) Every room used in the care of maternity patients and newborn infants shall be adequately screened against flies and mosquitoes.

2. (Lighting.) Every room used in the care of maternity patients and newborn infants shall be provided with sufficient lighting

facilities by artificial means so that all parts of the room shall be clearly visible under this artificial lighting.

3. (Temperature.) The heating equipment shall be such as will maintain a temperature of not less than seventy degrees (70°) Fahrenheit. No oil or gas heater shall be used in a maternity room or ward unless it is directly connected with a flue having an opening to the outside air.

4. (Water.) Running water shall be conveniently available to every room or ward in which maternity patients or newborn infants are placed for care.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 81. (**Fire protection.**) Every precaution shall be taken to protect the inmates of a maternity hospital against fire, and proper precautions shall be taken to provide for the safety of inmates and employes in case of fire. The building and premises shall be subject at all times to inspection by a representative of the local fire department, or the state fire marshal, the local building inspection department, and of the division of factory and building inspection of the department of industrial relations. Failure to immediately comply with the recommendations and orders of such representatives shall be cause for suspension or revocation of license.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 82. (**Segregation of patients.**) To secure segregation of maternity patients and newborn infants from other types of patients, a maternity hospital operated as a part of a general hospital must form a separate unit of the institution. No patient with a communicable disease or a septic condition shall be admitted into or cared for in such maternity ward or section.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 83. (**Procedure at birth of infant.**) The procedures attendant on the birth of a child in a maternity hospital shall include the following:

1. Each birth shall be attended by a legally qualified physician or midwife.

2. Prophylactic measures against inflammation of the eyes of the newborn shall be carried out as required by law. Cases of inflammation of the eyes of the newborn shall be reported to the local health commissioner within six hours after such condition is known to exist.

3. Before removal from the delivery room, each newborn infant shall be marked for identification with a mark that shall not be removed while the child is in the hospital.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 84. **(Space for patients.)** No maternity patient shall at any time be given a bed in any room other than one regularly designated as a maternity bed room or maternity ward. No maternity patient shall be kept at any time in a treatment room, operating room, or delivery room for any purpose other than that for which the room was intended to be used. Rooms or wards in which maternity patients are cared for shall have an average of not less than sixty (60) square feet of floor space per person, and there shall be a space of not less than three (3) feet between beds. No maternity patient shall be kept in a hall or corridor except in case of emergency.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 85. **(Isolation facilities.)** In each maternity hospital, a room or rooms shall be set apart and be available for the isolation of maternity patients or newborn infants who develop evidence of infection. Any maternity patient showing the following evidence of infection shall be immediately isolated from other maternity patients: A temperature of 100.4°F. (38°C.); this temperature to occur on any two of the first ten (10) days postpartum, exclusive of the first twenty-four (24) hours, and to be taken by mouth by a standard technique at least four times a day.

An infant showing evidence of infection, or of an undiagnosed illness, must be removed immediately from the nursery and placed in a separate room under isolation precautions. Isolation technique must be observed for all cases with evidence of infection, and for all other cases of undiagnosed illness, until such time as the illness is proved to be of non-infectious origin. Special precautions shall be taken where there is any evidence of inflammation of the eyes of the newborn, or skin infections, or of epidemic diarrhea of the newborn.

Any indication of infection in patients or personnel must be reported immediately to the physician who has assumed responsibility for adequacy of medical care in the institution.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 86. **(Delivery room.)** A maternity hospital having five or more beds shall have a delivery room which shall not be used for any other purpose or for any patient having a communicable disease or infection. There shall be one suitably equipped delivery room for each twenty (20) maternity beds. If the maternity hospital does not have a delivery room, patients shall be delivered in their own rooms except in case of Cesarean section when the general operating room may be used. Where a separate delivery room for infectious cases is not provided, a maternity patient so affected shall be delivered in a private room and kept there under isolation precautions.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 87. **(Nursery.)** Each maternity hospital shall set apart and maintain at least one separate room for a nursery for newborn infants with a bassinet for each baby. There shall be an average of not less than twenty (20) square feet of floor space for each infant, and an open space of not less than six (6) inches between bassinets.

There shall be one incubator or heated bassinet for a premature infant for each ten or less bassinets.

Each newborn nursery shall be provided with facilities for washing or disinfecting the hands.

No newborn infant born outside the maternity hospital shall be admitted to the newborn nursery in a maternity hospital or maternity unit.

No person other than physicians, nurses or maids on maternity service shall be admitted to the newborn nursery.

Each and every nursery, and the isolation quarters of such nursery, shall be provided with proper receptacles for the temporary disposal of soiled linen, diapers and waste. Such soiled articles shall be removed immediately or within a reasonable time from the nursery or isolation quarters.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 88. **(Laboratory.)** Each maternity hospital shall be provided with laboratory equipment and reagents necessary to test urine for albumin, sugar and acetone bodies, and the necessary equipment for grouping and matching bloods.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 89. **(Supplies, equipment and facilities.)** In each maternity hospital, provision shall be made for the following:

1. Sterilizers used for sterilizing obstetrical instruments shall be used only for that purpose.

2. Supplies for maternity patients and newborn infants shall be sent from the laundry or central sterilizer directly to the maternity service and shall be kept for the exclusive use of the patients in that unit.

3. All nursery linens, including diapers and articles of infant's clothing, shall be kept separate from linens of other parts of the hospital and, when soiled, shall be washed and sterilized separately from the linens of other parts of the hospital.

4. There shall be facilities for general anesthesia.

5. Each maternity hospital shall have adequate equipment for giving transfusions and intravenous fluid and for the giving of hypodermoclyses.

6. All drugs, disinfecting solutions, and other preparations kept in the maternity hospital shall be distinctly and correctly labeled and kept readily available in an approved place.

7. Facilities for oxygen administration to infants shall be available at all times.

8. Each maternity hospital shall have equipment for the resuscitation of infants.

9. There shall be adequate facilities for the safe preparation and storage of formulas.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 90. **(Visitors.)** Visitors to a maternity patient in a maternity hospital shall, except under unusual circumstances, be limited to the husband and other adult members of the immediate family. No visitor under sixteen (16) years of age shall be permitted in the maternity hospital. Visitors shall not be allowed in the maternity unit during nursing. No person shall be admitted as a visitor in a maternity unit who has an infection, has recently recovered from an infection, or who has been in contact with a person who has an infectious disease, at home or elsewhere.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 91. **(Records.)** It shall be the duty of the person in charge of a maternity hospital to secure from each person admitted as a patient, or from other sources, all the statistical facts regarding such patient as will enable the physician in attendance to complete

the standard form prescribed by law for births, stillbirths and deaths. A detailed permanent medical and nursing record of each maternity patient and newborn infant shall be kept. All orders from a physician regarding a maternity patient or newborn infant shall be written in ink on their charts or in order books and shall indicate who gave the orders. Certificates of births, stillbirths and deaths occurring in a maternity hospital shall be filed with the local registrar of vital statistics within the period prescribed by law.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 92. (Disposition of child.) The superintendent or managing officer of each maternity hospital shall report to the division of social administration of the Ohio department of public welfare, within twenty-four (24) hours after removal, the name and address of any person other than a parent or relative by blood or marriage, or the name and address of any organization or institution, into whose custody a child born in such maternity hospital is given on discharge from such hospital. A copy of such report shall be sent to the director of health.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 93. (Morbidity reports.) It shall be the duty of the physician in charge of a maternity hospital to report to the health commissioner of the health district in which such hospital is located the occurrence of any of the diseases or infestations required by state law, by the Ohio sanitary code or by local ordinance or regulation to be reported. Such reports shall be made on the standard morbidity report forms.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

Regulation 94. (Annual and special reports.) All maternity hospitals, not later than April first, shall send to the director of health the annual report of the institution as required by the provisions of Section 1236-6 of the General Code. Special reports shall be made when requested by the director of health.

Adopted May 14, 1920; amended June 20, 1943; filed with Secretary of State July 21, 1943; effective August 1, 1943.

ICE CREAM, SODAS, SODA FOUNTAIN SUNDRIES AND OTHER BEVERAGES

Regulation 95. (**Sanitation.**) In order that the sale of ice cream, sodas, soda fountain sundries and other beverages may be conducted under sanitary conditions, the operators of ice cream parlors, soda fountains and other establishments serving beverages are hereby required to dispense such goods only in clean sterile containers. To this end it is ordered that all such establishments be provided with facilities for the thorough cleansing of dippers, glasses, spoons, serving dishes and any other vessel or utensil coming in contact with ice cream, sodas, soda fountain sundries or other beverages.

Adopted May 14, 1920; amended August 14, 1925; effective September 1, 1925.

Regulation 96. (**Equipment for cleansing and sterilization.**) Facilities for the cleansing and sterilizing of dippers, glasses, spoons, serving dishes and any other vessel or utensil coming in contact with ice cream, sodas, soda fountain sundries or other beverages shall include:

- (a) An adequate supply of hot and cold water of a quality suitable for drinking purposes.
- (b) Suitable arrangements for supplying boiling water, live steam, or hot air at a temperature of not less than two hundred and fifty degrees Fahrenheit.
- (c) Suitable provision for taking care of clean sterile glasses, dishes, other vessels and utensils, so as to keep same clean until wanted for use.
- (d) Spoons must be exposed to boiling water, live steam, or hot air at not less than two hundred and fifty degrees Fahrenheit for a period of not less than five minutes.

Adopted May 14, 1920; amended August 14, 1925; effective September 1, 1925.

Regulation 97. (**Procedure.**) All dishes and utensils, after each individual service, shall be first rinsed in cold water, then thoroughly washed in hot water with soap or suitable cleansing powder, and exposed to live steam, boiling water, or hot air at a temperature of not less than two hundred and fifty degrees Fahrenheit for a period of five minutes, then rinsed in clean cold water and drained.

In lieu of the above requirement or when it is found impossible or inexpedient to use live steam, boiling water or hot air, sterile dishes, cups and spoons manufactured from paper, wood or any other

suitable material, handled in a sanitary manner, and used for one service only, will be allowed.

Adopted May 14, 1920; amended August 14, 1925; effective September 1, 1925.

Regulation 98. **(Refrigerators.)** Refrigerators at soda fountains shall be kept clean by washing with hot water and soap or washing powder.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 99. **(Employees.)** Employees in such establishments shall be cleanly in person and dress, free from infectious and contagious disease and trained in the conduct of their work.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 100. **(Use of straws.)** The use of straws is forbidden except when such straws are protected from dust, dirt and handling by employees or others.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 101. **(Cleansing of containers.)** As soon as empty all ice cream containers, milk and cream cans shall be thoroughly rinsed with cold water and covered so that no foreign matter may enter said containers or cans.

Adopted May 14, 1920; effective July 1, 1920.

SUBMISSION AND APPROVAL OF PLANS

Regulation 102. **(Plans for water supply, sewerage, industrial wastes, etc.)** Plans for proposed water supply or sewerage, or purification or treatment works for water or sewage, or for change in a water supply, water works intake, water purification works, sewerage or sewage treatment works, or for the disposal or treatment of an industrial waste shall be submitted to the state department of health as required by sections 1240 and 1240-1 of the General Code and in accordance with the provisions of regulation 103 of the Ohio sanitary code.

Adopted May 14, 1920; amended August 14, 1925; effective September 1, 1925.

Regulation 102a. **(Cross connections.)** No private auxiliary or emergency water supply shall in any manner be connected to a water supply approved by the state department of health until such private, auxiliary or emergency water supply and the method of connection

and use of such supply have been approved by the state department of health.

Adopted August 14, 1925; effective September 1, 1925.

Regulation 103. (**Application for approval.**) The following provisions shall apply to the submission of plans for proposed water supply, sewerage, and sewage and industrial wastes disposal improvements for the approval of the state department of health.

A. Such plans shall be submitted to the state department of health in duplicate and shall be accompanied by (1) specifications in duplicate; (2) a report prepared by the designing engineer giving data regarding the project; and (3) a communication addressed to the state department of health, referring to the plans and making request for their approval. Such communication shall be signed by the proper public official in the case of a public improvement or if not an improvement to be made at public expense, by the person, firm or corporation proposing to install the same.

B. If the improvement relates to water supply, sewerage or sewage disposal of a municipality, or part thereof, or to the disposal or treatment of an industrial waste from a municipally owned plant, the plans therefor shall have received the approval of the council, or other governing body or managing officer of the municipality prior to their submission to the state department of health, and evidence of such approval shall accompany the plans; provided, that the director of health may waive such requirement in case the improvement is to be made by and at the expense of a person, firm or corporation.

C. If the improvement relates to the water supply, sewerage or sewage disposal of an unincorporated community, a county sewer district or part thereof, or of other land in a county outside a municipality, or to the disposal or treatment of an industrial waste from a county owned plant the plans therefor shall have received the approval of the board of county commissioners prior to their submission to the state department of health and evidence of such approval shall accompany the plans; provided, that the director of health may waive such requirement in case the improvement is to be made by and at the expense of a person, firm or corporation.

D. If the improvement relates to the water supply, sewerage or sewage disposal of a publicly or privately owned building or group of buildings or place used for the assemblage, entertainment, recreation, education, correction, hospitalization, housing or employment of persons, or to the disposal or treatment of an industrial waste, the director of health may at his discretion require the submission of evidence of approval of the plans by proper local officials.

E. Such plans and the accompanying specifications and other papers shall contain sufficient detail and information to permit a clear understanding and an intelligent review of the project and when they are lacking in such detail or information, additional or supplemental plans and specifications as required shall be submitted to the state department of health in the same manner as is required in the case of original plans.

F. If, after investigation of plans and specifications, alterations or revisions are required by the state department of health, such changes shall be incorporated in revised plans and specifications which shall be submitted to the state department of health in the same manner as is required in the case of original plans.

G. When plans and specifications (in duplicate) have been submitted officially to the state department of health, one copy of such plans and specifications shall be retained and filed by the state department of health and following action on said plans by the state department of health, the other set shall be returned to the official or person by whom they were submitted. The returned plans shall be suitably marked to show the approval or disapproval of said plans by the state department of health. No approval of plans shall be in full effect until such plans have been marked as provided herein; and no plan shall be considered as approved unless said plan is an exact duplicate of the plan bearing marks showing approval by the state department of health. The installation shall be made in strict accordance with the approved plans. If any change or modification is deemed necessary or desirable by the public officials or person, firm or corporation having charge of the work, such change or modification shall be incorporated in revised plans and specifications which shall be submitted to the state department of health in the same manner as is required in the case of original plans.

Adopted May 14, 1920; amended August 14, 1925; effective September 1, 1925.

Regulation 104. **(Plans and specifications for plumbing, drainage and sanitary equipment.)** Plans and specifications for proposed installations of plumbing, drainage and sanitary equipment in buildings coming within the jurisdiction of the state inspector of plumbing, shall be submitted to and approved by the state department of health before the contract for installation has been awarded. This shall apply to all improvements in every class and character of building, except single or double dwellings, unless such building is located within a municipality or other political subdivision wherein ordinances or regulations have been adopted and are being enforced by

the proper authorities regulating plumbing or prescribing the character thereof.

A. Such plans shall be submitted to the state department of health in duplicate and shall be accompanied by specifications in duplicate.

B. Such plans and the accompanying specifications and other papers shall contain sufficient detail and information to permit a clear understanding and an intelligent review of the project and when they are lacking in such detail or information, additional or supplemental plans and specifications as required shall be submitted to the state department of health in the same manner as is required in the case of original plans.

C. If, after investigation of plans and specifications, alterations or revisions are required by the state department of health, such changes shall be incorporated in revised plans and specifications which shall be submitted to the state department of health in the same manner as is required in the case of original plans.

D. When plans and specifications in duplicate have been submitted officially to the state department of health, one copy of such plans and specifications shall be retained and filed by the state department of health and following action on said plans by the state department of health, the other set shall be returned to the official or person by whom they were submitted. The returned plans shall be suitably marked to show the approval or disapproval of said plans by the state department of health. No approval of plans shall be in full effect until such plans have been marked as provided herein; and no plan shall be considered as approved unless said plan is an exact duplicate of the plan bearing marks showing approval by the state department of health. The installation shall be made in strict accordance with the approved plans. If any change or modification is deemed necessary or desirable by the public officials or person, firm or corporation having charge of the work, such change or modification shall be incorporated in revised plans and specifications which shall be submitted to the state department of health in the same manner as is required in the case of original plans.

E. The application for a permit to install plumbing, drainage and sanitary equipment shall be made on the form prescribed by the state department of health and said application shall be accompanied by the fee prescribed by section 1261-6 of the General Code.

Adopted May 14, 1920; effective July 1, 1920.

SANITARY CONTROL OF STATE PARK SANITARY DISTRICTS

Regulation 105. (**Sanitary districts designated.**) The bodies of water and adjacent state lands described and designated in section 469 of the General Code of Ohio and in acts passed March 24, 1925 (O. L. 111, page 100); and April 6, 1929 (O. L. 113, page 543), as Buckeye Lake, Indian Lake, Lake St. Marys, The Portage Lakes, Lake Loramie, Guilford Lake, and Pymatuning Reservoir and surrounding lands extending back one mile therefrom, are hereby designated, for purposes of sanitary control, respectively, as Buckeye Lake Sanitary District, Indian Lake Sanitary District, Lake St. Marys Sanitary District, The Portage Lakes Sanitary District, Lake Loramie Sanitary District, Guilford Lake Sanitary District, and Pymatuning Reservoir Sanitary District.

Adopted May 14, 1920; amended August 14, 1925; amended October 14, 1932; effective November 1, 1932.

Regulation 106. (**Sanitary inspector.**) For sanitary purposes and for the purpose of enforcing these regulations governing sanitation in the area described and designated in the preceding regulation as a sanitary district, the state commissioner of health shall appoint a sanitary inspector who, under the direction and supervision of the state commissioner of health, shall represent the state department of health in the enforcement of these regulations.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 107. (**Communicable diseases.**) Immediately upon receipt of a report or a rumor of the existence of a case of smallpox, diphtheria, membranous croup, scarlet fever, typhoid fever, measles, whooping cough, chickenpox, meningococcus meningitis, acute anterior poliomyelitis, or any other disease required by law or by the state department of health to be reported and quarantined, the sanitary inspector shall notify the health commissioner within whose jurisdiction such case occurs.

Adopted May 14, 1920; amended August 14, 1925; effective September 1, 1925.

Regulation 108. (**Communicable disease in family of milk handler.**) When scarlet fever, smallpox, diphtheria, typhoid fever, tuberculosis or other dangerous or infectious disease shall occur in the family of a dairyman or among his employes, or in a house in which milk is kept for sale, the sanitary inspector shall order the sale of milk to be stopped and shall immediately report the case and his

action thereon to the health commissioner within whose jurisdiction such person resides.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 109. **(Water supplies.)** No public or private water supply shall be used in a sanitary district unless such supply has been examined and approved by the sanitary inspector in the name of the state department of health. Any water supply found to be contaminated and unsafe for domestic use shall be condemned as a public nuisance and shall be made unavailable for use and be permanently abandoned. If a water supply is found to be subject to possible contamination and can be made safe by removing the source of contamination or by other corrective measures, it shall be placarded as "unsafe" and shall not be again used until corrections have been made as ordered by the sanitary inspector.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 109a. **(Bathing.)** Every public bath house and public bathing place in any sanitary district shall be constructed, maintained and operated so as not to be a menace to public health and in a manner satisfactory to the director of health.

Adopted October 14, 1932; effective November 1, 1932.

Regulation 109b. **(Boat sanitation.)** No human excrement, garbage, decaying matter, filth or organic waste substance of any kind shall be discharged into the waters of any sanitary district from any boat thereon. Said substances shall be collected in adequate and suitable containers kept on the boat for that purpose and the contents thereof shall be disposed of on land in a sanitary manner so as not to create any nuisance, pollution of water or menace to the public health.

Adopted October 14, 1932; effective November 1, 1932.

Regulation 110. **(Plumbing and drainage.)** All plumbing and drainage in or for any building of any kind whatsoever constructed within the limits of a sanitary district as described and designated in regulation 105 shall be installed in accordance with the provisions of part four (sanitation) of the Ohio building code, sections 12600-137 to 12600-273 of the General Code of Ohio, which for the purposes herein expressed is made a part of these regulations.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 111. **(Abandoned wells and cisterns.)** No person shall use a well or cistern as a receptacle for night soil, garbage, house slops or other putrescible or filthy substance. When a well or cistern is abandoned as a source of water supply, it shall be filled

to the ground surface with rock, gravel, earth or other suitable material.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 112. **(House wastes, sewage, etc.)** No person shall use any street, road, alley, public way, sidewalk or the gutter or ditch in any street, alley, road, public way or sidewalk for the drainage of house slops, soapsuds, sewage, liquid manures or any other putrescible or offensive wastes. Nor shall any person use a storm water drain constructed for the purpose of carrying storm water, roof water, cistern overflow, or water of like character, as a means of disposing of house slops, soapsuds, sewage, liquid manures or other putrescible or offensive wastes.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 113. **(Permits for privies, privy vaults, chemical privy tanks and sewage disposal equipment.)** No privy, privy vault, chemical privy tank or sewage disposal equipment shall be constructed or installed until a permit has been issued by the sanitary inspector in the name of the state department of health. Application for a permit to construct or install a privy, privy vault, chemical privy tank or sewage disposal equipment shall be made to the sanitary inspector. Before issuing a permit the sanitary inspector shall inspect the premises on which the privy, privy vault, chemical privy tank or sewage disposal equipment is to be constructed or installed and shall satisfy himself that the provisions of these regulations with respect to such constructions can be and will be carried out. It shall be the duty of the sanitary inspector to inspect privies, privy vaults, chemical privy tanks and sewage disposal equipment before they are used and to prohibit their use if not constructed in accordance with these regulations.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 114. **(Privies and privy vaults.)** In the issuance of a permit for the construction and use of a privy and the privy vault the following specifications shall apply: The privy shall be provided with a vault or other receptacle as herein specified and no pit privy shall be used. The construction of the superstructure and vault or other receptacle shall be such as to prevent access to the vault of flies, insects, rats, chickens or other animals. The vault or other receptacle shall be constructed to facilitate cleaning without removing the contents through the superstructure. The vault shall be suitably ventilated. No privy or privy vault shall be located within two feet of any lot line, twenty feet of any street line or building of human occupancy, or fifty feet from any school building or any

well, spring, cistern or other source of water supply. No overflow or drain from a privy vault shall be permitted unless the vault is located at least three hundred feet from any well, spring, cistern or other source of water supply, and the soil formations within a depth of ten feet below the surface are sufficiently free from ground water and are sufficiently porous to facilitate the absorption of the liquid. Where porous limestone formations are encountered no overflow or drain shall be permitted. No discharge or exposure of the liquid at the surface shall be permitted and such liquid shall be disposed of by means of a leaching well or other leaching device. No privy vault shall be connected to a sewer. Provided: Except as otherwise regulated by the state building code, when the property dimensions are such as to render it impossible to locate a privy vault twenty feet from a building of human occupancy and twenty feet from a street line, a permit may be issued for the installation of such privy vault at a location less than twenty feet from such building or street line.

Adopted May 14, 1920; amended June 12, 1925; effective June 15, 1925.

Regulation 115. **(Chemical privy tanks.)** For the purposes of these regulations a chemical privy tank shall be construed to be a watertight receptacle supplied regularly with a sufficient amount of caustic or other chemical substance to sterilize and deodorize the contents completely and continuously. This definition does not include the chemical commode or other similar portable receptacle. The specifications for privies and privy vaults (regulation 114) shall apply to a chemical privy tank and the superstructure for the same, except, that such chemical privy tank and the superstructure may be located adjacent to a dwelling but without a direct entrance therefrom.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 116. **(Sewage disposal equipment.)** For the purpose of these regulations sewage shall be construed to consist of the liquid wastes from plumbing fixtures including the wastes from water closets, urinals, lavatories, bath tubs, sinks, laundry tubs, floor drains and other sanitary fixtures. In the absence of a sanitary sewer, sewage from a building shall be disposed of in a manner to prevent a nuisance, and avoid contamination of a water supply, watercourse, reservoir or other body of water. No sewage disposal equipment or means of sewage disposal shall be provided until a permit therefor is issued as required by regulation 113. In the issuance of a permit the following specifications shall apply: The sewage shall be discharged through a watertight sewer into a tank of watertight con-

struction having a tight, substantial cover with a manhole for entrance and cleaning. Such tank shall have a capacity of fifty gallons per person tributary and shall be suitably ventilated. Such tank shall be located at least two feet from any lot line, twenty feet from any building of human occupancy, and thirty feet from any well, spring, cistern or other source of water supply. No overflow from such tank shall be permitted unless such overflow is conveyed in a watertight sewer to a leaching well or other suitable subsurface leaching device. Such leaching well shall have dimensions at least as great as the watertight tank. It shall have a tight, substantial cover with a manhole. A leaching well shall not be permitted unless the soil formations within a depth of ten feet below the surface are sufficiently free from ground water and are sufficiently porous to facilitate the absorption of the effluent sewage. A leaching well or other leaching device shall be located at least one hundred feet from any watertight cistern or any building of human occupancy and at least three hundred feet from any well, spring or other source of water supply. No overflow from a leaching well or other leaching device shall be permitted. No sewage tank or leaching well shall be connected to a sewer. Provided: Except as otherwise regulated by the state building code, when the property dimensions are such as to render it impossible to locate a watertight tank twenty feet from a building of human occupancy, or a leaching well or other subsurface leaching device one hundred feet from a building of human occupancy and when the state department of health shall find that the installation of a watertight tank or leaching well or other subsurface leaching device within such distances will not create conditions detrimental to health or comfort on account of proximity to such building of human occupancy, a permit may be issued for the installation of such tank at a location less than twenty feet from such building or for the installation of such leaching well or other subsurface leaching device at a location less than one hundred feet from such building.

Adopted May 14, 1920; amended June 12, 1925; effective June 15, 1925.

Regulation 117. **(Sanitary sewers; abandoned vaults.)** No privy, privy vault, chemical privy tank or sewage disposal equipment shall be constructed or installed where a sanitary sewer is accessible. When a sanitary sewer is constructed so as to be accessible to premises any privy, privy vault, chemical privy tank or sewage disposal equipment on such premises shall be abandoned and connection shall be made direct to the sewer. Abandoned privy vaults and sewage disposal equipment shall be thoroughly cleaned and disinfected and

filled to the surface of the surrounding ground with earth, ashes or other suitable filling material. Abandoned chemical privy tanks shall be thoroughly cleaned, disinfected and removed. It shall be the duty of the sanitary inspector to see that abandoned privy vaults, chemical privy tanks and sewage disposal equipment are properly cleaned, disinfected and filled or removed.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 118. **(Cleaning privy vaults and chemical privy tanks.)** All privy vaults and chemical privy tanks shall be thoroughly cleaned at least once each year. Under no circumstances shall a privy vault or chemical privy tank be allowed to become filled to the top. The cleaning of privy vaults and chemical privy tanks and the removal of night soil, sewage sludge, swill, garbage and other filthy and offensive substances shall be done only at such time and in such manner as the sanitary inspector shall specify.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 119. **(Permit to remove night soil.)** No tenant, occupant or owner, or agent of such tenant, occupant or owner of any building or premises shall remove or permit or cause to be removed any of the contents of any privy vault, chemical privy tank or other receptacle for sewage without a permit from the sanitary inspector. Such permit shall be in writing and shall state the conditions under which such removal shall be made.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 120. **(Manure.)** From every livery stable, and from all private premises within one hundred feet of a house of human habitation, where more than two animals of the horse, mule or cattle kind are kept, the manure shall be removed at least once each month, and as much oftener as the sanitary inspector may deem necessary. In no case shall manure be allowed to accumulate until it becomes a nuisance.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 121. **(Manure bins.)** Every person owning or keeping in a stable, stall or compartment, any animal of the horse, mule or cattle kind, shall maintain and use a durably made receptacle or bin for the manure that may accumulate. This receptacle or bin must be watertight and fly proof and have a tight fitting lid. In no event or circumstance shall manure or refuse be thrown or deposited in any alley, street, road, lane or public place, or suffered to remain there.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 122. **(Garbage.)** Garbage, which shall be held to include kitchen wastes, dead animals or fish, butcher's offal or any other vegetable or animal refuse, shall not be allowed to collect on the premises of any person, or be thrown into any street, alley, road, lane or place, or into any body of flowing or standing water or excavation within the sanitary district. Garbage shall be stored in watertight metal cans with tight fitting lids and it shall be the duty of each person owning or operating a hotel, restaurant, lunch room, lunch counter, butcher shop, grocery or other place where garbage may accumulate to provide and use watertight metal cans of suitable size for the storage of such wastes; likewise it shall be the duty of each householder to provide a watertight metal can with tight fitting lid for the storage of the garbage of the household.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 123. **(Nuisances.)** Where a nuisance is found in any building or upon any ground or premises within the sanitary district, notice in writing shall be given by the sanitary inspector, to the owner or occupant of such building or premises to abate such nuisance. The time for complying with the order shall be specified in such notice. In case of neglect or refusal to abate the nuisance in accordance with such notice, the sanitary inspector shall cause said owner or occupant to be prosecuted as provided by law.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 124. **(Hogs.)** The keeping of hogs is prohibited in any sanitary district between the first day of May and the first day of November, except that where hog pens are so located as to be distant at least three hundred feet from any house used for human habitation other than the residence of the owner of the hogs, and at least one hundred feet distant from any reservoir, public way, street or road, hogs may be kept in such pens throughout the year.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 125. **(Dairy inspection.)** The sanitary inspector shall inspect all dairies, milk plants, milk pasteurizing plants, slaughter houses, stores, meat markets, restaurants, and all other places where food for human consumption is produced, manufactured, stored, sold or offered for sale, and shall have authority to enter any building, place, vehicle or yard for such purpose.

Adopted May 14, 1920; amended January 19, 1941; effective February 1, 1941.

Regulation 126. **(Permit to sell meat or milk.)** No person shall engage in the business of selling milk or meat or in the operation of

a restaurant or public eating place in a state park sanitary district until a permit so to do has been issued by the sanitary inspector. Application for such permit shall be made in writing and filed with the sanitary inspector. Before granting a permit the inspector shall make a thorough inspection of the source of milk and meat supply, the method of storing and handling milk, meat and other foods and food products, the buildings, equipment and appliances used in connection with such business. The sanitary inspector shall keep for public inspection a record of the name, residence and place of business of all persons engaged in the sale of milk, meat, food and food products. No inspections need be made of meat packing plants that are under federal or other approved meat inspection service.

Adopted May 14, 1920; amended January 19, 1941; effective February 1, 1941.

Regulation 127. **(Milk.)** No person shall sell or deliver, or have in possession with intent to sell or deliver, any unwholesome, impure, diluted or adulterated milk or milk product, or milk from diseased cows, or from cows fed on garbage, wet distillery wastes, or decomposing or unhealthful food of any character, nor cheese nor butter made from such milk, and no person shall sell or deliver any milk which has been skimmed in whole or in part, unless at the time he sells or delivers such milk he truly informs such purchaser that such milk is skimmed milk. On and after May 1, 1941, all milk sold or delivered in a state park sanitary district shall be Grade "A" pasteurized milk or Grade "A" raw milk as defined in the United States Public Health Service Milk Ordinance and Code.

Adopted May 14, 1920; amended January 19, 1941; effective February 1, 1941.

Regulation 128. **(Insanitary conditions at dairy.)** If upon inspection the sanitary inspector shall find that insanitary conditions exist at any dairy, milk plant or pasteurizing plant, from which milk or milk products are sold or delivered in a state park sanitary district, he shall notify the owner or manager of his findings and shall prohibit the sale or delivery of milk or milk products from such dairy, milk plant or pasteurizing plant until such conditions are corrected. After such notice, no milk or milk products from such dairy, milk plant or pasteurizing plant shall be sold or delivered in a state park sanitary district until permission, in writing, is given the owner or manager by the sanitary inspector.

Adopted May 14, 1920; amended January 19, 1941; effective February 1, 1941.

Regulation 129. **(Unwholesome food.)** No person shall bring into, or sell, or offer for sale, in a sanitary district, any cattle, sheep, hog or lamb, or any meat, fish, game or poultry, nor any vegetables, fruits, or other articles of food, that are diseased, unsound or unwholesome, or that for any reason are judged by the sanitary inspector to be unfit for human food.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 130. **(Immature meat.)** No butcher or other person shall bring into a sanitary district, or sell, or offer for sale, for human food any calf or any part of the meat thereof which at the time it was killed was less than four weeks old; or any pig or any part of the meat thereof which at the time it was killed was less than five weeks old, or any lamb or any part of the meat thereof, which at the time it was killed was less than eight weeks old.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 131. **(Protection of food from dust, flies, etc.)** The body of any animal or part thereof, which is to be used for food, shall not be carted or carried through any street, road, lane, alley or public way, unless it be so covered as to protect it from dust and dirt; and no meat, poultry, game or fish shall be hung or exposed for sale in any street or public way outside of any shop or store, or in the open window or doorway thereof. All fruit, vegetables or food stuffs to be eaten without being cooked, and all bread, cakes, pies or other pastry shall be protected against flies, dust, dirt or other thing that would make them unwholesome or unfit for human consumption. From April first to November first meat, poultry, game, and fish offered for sale shall be protected from flies, dust and dirt by a fine screen.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 132. **(Protection against dogs.)** Grocers or other persons displaying fruit, vegetables or other food stuffs on any sidewalk, street, road, alley, public way or other place shall protect such fruit, vegetables or other food stuffs against contamination by dogs or other animals.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 133. **(Permit to cut or sell natural ice.)** No natural ice shall be cut within a sanitary district or be brought into the district for the purpose of being sold or used for domestic purposes until a permit therefor shall have been issued by the sanitary inspector. Before granting such a permit the sanitary inspector shall investigate the source from which the natural ice is to be or has

been cut and shall assure himself that such source has not been contaminated. He shall also investigate the manner in which such ice is to be stored and handled and shall assure himself that the ice, as it will be delivered to the consumer, shall be safe for domestic use.

Adopted May 14, 1920; effective July 1, 1920.

MISCELLANEOUS

Regulation 134. **(Spitting in public places forbidden.)** Spitting on the floor of public buildings or buildings used for public assemblage, or upon the floors or platforms or any part of any railroad or trolley car or ferry boat, or any other public conveyance, is forbidden.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 135. **(Unguarded coughing and sneezing in public places forbidden.)** In order to prevent the conveyance of infected material to others, all persons are required, in coughing and sneezing, to cover properly the nose and mouth with a handkerchief or other protective substitute.

It shall also be the duty of every person to observe all such regulations as may be issued by the state commissioner of health to prevent the transfer of infective material from the nose and mouth.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 136. **(Common towel forbidden.)** No person, firm or corporation owning, in charge of, or in control of any lavatory or wash room in any hotel, lodging house, restaurant, factory, store, office building, railway or trolley station, or public conveyance by land or water shall provide in or about such lavatory or wash room any towel for common use. The term "common use" in this regulation shall be construed to mean, for use by more than one person without cleansing.

Adopted May 14, 1920; effective July 1, 1920.

Regulation 137. **(Common drinking cups and drinking and eating utensils forbidden.)** The use of common drinking cups, and of common drinking or eating utensils in any public place or public institution, or in any hotel, saloon, lodging house, theatre, factory, store, school or public hall; or in any railway or trolley car or ferry boat; or in any railway or trolley station or ferry house; or the furnishing of any such common drinking cup or eating utensil for common use in any such place is prohibited.

The term "common use" in this regulation shall be construed to mean, for use by more than one person without adequate cleansing. Adopted May 14, 1920; effective July 1, 1920.

BARBERS AND BARBER SHOPS, MANICURES AND HAIR DRESSERS

Regulation 138. (**Barbers and barber shops.**) Every barber or other person in charge of any barber shop shall keep such barber shop at all times in a clean and sanitary condition.

No person shall act as a barber who has syphilis in the infective stage or any other communicable disease enumerated in this code, or any communicable affection of the skin.

The hands of the barber shall be thoroughly washed with soap and water before serving each customer.

Shaving mugs, brushes and combs shall be thoroughly cleansed and immersed in boiling water before being used on each customer.

There shall be a separate clean towel for each customer. The headrest shall be covered with a clean towel or paper and shall be changed after each customer.

Towels known as "steamers" shall be fresh towels and shall be used only once without relaundering.

No hair cloth or other cloth which is used on more than one person shall be placed directly against the neck of the customer being served, but shall be kept from direct contact by the use of an individual paper neck band or clean towel. The use of any neck band on more than one person is prohibited.

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

Barbers shall refuse to handle a customer affected with any eruption, or whose skin is broken out, or is inflamed or contains pus unless such customer is provided with a shaving cup, lather brush and razor for his individual use. No barber or other person in charge of a barber shop shall undertake to treat any disease of the skin.

The shaving cup, lather brush, razor and other implements used for a customer affected with any of the above named disorders or conditions shall be made safe immediately after such use by being immersed in boiling water for not less than twenty minutes.

Tweezers used for removing embedded hair shall be immersed in boiling water or be passed through a flame before being used.

Adopted May 14, 1920; amended October 9, 1931; effective January 1, 1932.

Regulation 139. (**Manicures and hair dressers.**) The utensils and instruments used by manicures and hair dressers in the pursuit of their occupations shall be kept in a clean and sanitary condition. The same regulations shall govern the operation of manicures and hair dressers as are required for barbers and barber shops.

Adopted May 14, 1920; amended April 8, 1932; effective May 1, 1932.

Regulation 140. (**Regulations to be posted.**) Every barber or other person in charge of any barber shop, hair dressing establishment or beauty parlor, or other place where barbering, manicuring or hair dressing is done shall post in a conspicuous place in such establishment a copy of regulations 138 and 139 of the Ohio sanitary code.

Adopted May 14, 1920; amended April 8, 1932; effective May 1, 1932.

RAILROAD SANITATION

Transportation of Persons Having Communicable Diseases

Regulation 141. (**Persons not allowed to travel.**) No person knowing or suspecting himself to be afflicted with plague, cholera, smallpox, typhus fever, or yellow fever shall apply for, procure, or accept transportation in any railway train, car, or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge if known or suspected to be so afflicted.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 142. (**Persons not accepted for travel.**) Common carriers shall not accept for transportation in any railway train, car, or other conveyance, any person known by them to be afflicted with any of the diseases enumerated in regulation 141.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 143. (**Restricted travel.**) Common carriers shall not accept for transportation on any railway train, car, or other conveyance, any person known by them to be afflicted with diphtheria, measles, scarlet fever, epidemic cerebrospinal meningitis, anterior poliomyelitis, mumps, whooping cough, influenza, pneumonia, epidemic encephalitis, septic sore throat, rubella, or chicken pox, or any person known to be a carrier of these diseases, unless such person is placed in a compartment separate from other passengers, is accompanied by a properly qualified nurse or other attendant, and unless such nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment within which the patient is traveling shall be restricted to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All sputum and nasal discharges from the patient shall be received in gauze or paper, which shall be deposited in a paper bag or in a closed vessel, and shall be destroyed by burning.

(d) Said nurse or attendant shall, after performing any service to the patient, at once cleanse the hands by washing them in a 2 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 144. **(Typhoid and Dysentery.)** Common carriers shall not accept for transportation on any railway train, or other conveyance, any person known by them to be afflicted with typhoid fever, paratyphoid fever, or dysentery unless said person is placed in a compartment separate from the other passengers, is accompanied by a properly qualified nurse or other attendant, and unless said nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment in which the patient is traveling shall be limited to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All urine and feces of the patient shall be received into a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value, placed in a covered vessel, thoroughly mixed, and allowed to stand for at least two hours after the last addition thereto before being emptied.

(d) A sheet of rubber or other impervious material shall be carried and shall be spread between the sheet and the mattress of any bed that may be used by the patient while in transit.

(e) Said nurse or attendant shall use all necessary precautions to prevent the access of flies to the patient or his discharges, and after performing any service to the patient, shall at once cleanse the

hands by washing them in a 2 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

(f) Provided, That if a person with typhoid or dysentery is presented at a railway station in ignorance of these regulations, and his transportation is necessary as a life-saving or safeguarding measure, an emergency may be declared and the patient may be carried a reasonable distance in a baggage car if accompanied by an attendant responsible for his care and removal; Provided also, That paragraphs (a), (b), (c), (d), and (e) of this regulation shall be complied with in so far as the circumstances will allow, and that all bedding, clothing, rags or cloths used by the patient shall be removed with him: And provided further, that any parts of the car which have become contaminated by any discharges of the patient shall be disinfected as soon as practicable, but not later than the end of the run, by washing with a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 145. **(Restricted application for transportation.)** No person knowing or suspecting himself to be afflicted with any of the diseases mentioned in regulations 143 and 144 shall apply for, procure, or accept transportation in any railway train, car, or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge, if known or suspected to be so afflicted, unless he shall have agreed to and made all necessary arrangements for complying and does so comply with the regulations set forth in said regulations 143 and 144.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 146. **(Suspected cases.)** If a conductor or other person in charge of a railway train, car, or other conveyance of a common carrier, or an agent or other person in charge of a railway station, shall have any reason to suspect that a passenger or a person contemplating passage is afflicted with any of the diseases enumerated in regulations 141, 143 and 144, he shall notify the nearest health commissioner, or company physician, if the health commissioner is not available, by the quickest and most practicable means possible, of his suspicions, and said health commissioner or physician shall immediately proceed to the train, car, or other conveyance at the nearest possible point, or to the railway station, to determine whether such disease exists.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 147. **(Disposition.)** If the health commissioner or physician, as provided for in regulation 146, shall find any such person to be afflicted with any of the diseases enumerated in regulations 141, 143 and 144, he shall remove such person from the station or conveyance, or shall isolate him and arrange for his removal at the nearest convenient point; shall treat the car or other conveyance as infected premises, allowing it to proceed to a convenient place for proper treatment, if, in his judgment consistent with the public welfare, in such case notifying the health commissioner in whose jurisdiction the place is located; and shall take such other measures as will protect the public health: Provided, That if not prohibited in regulations 141 and 142 of these regulations the afflicted person so found may be allowed to continue his travel if arrangements are made to comply, and he does so comply, with the requirements of the regulations of this code pertaining to the disease with which he is afflicted.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 148. **(Leprosy.)** Common carriers shall not accept for transportation nor transport in any railway train, car, or other conveyance, any person known by them to be afflicted with leprosy, unless such person presents permits from the Surgeon General of the United States Public Health Service or his accredited representative, and from the state department of health of the states from which and to which he is traveling, stating that such person may be received under such restrictions as will prevent the spread of the disease, and said restrictions shall be specified in each instance; and no person knowing or suspecting himself to be afflicted with leprosy, nor any person acting for him, shall apply for, procure, or accept transportation from any common carrier unless such permits have been received and are presented, and unless the person so afflicted agrees to comply and does so comply with the restrictions ordered. If any agent of a common carrier shall suspect that any person in a train, car, or other conveyance, or at a railway station, is afflicted with leprosy, he shall proceed as directed in the case of other suspected diseases in regulations 146 and 147 of this code.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 149. **(Pulmonary tuberculosis.)** Common carriers shall not accept for transportation any person known by them to be afflicted with pulmonary tuberculosis in a communicable stage unless said person is provided with (a) a sputum cup made of impervious material and so constructed as to admit of being tightly closed when not in use, (b) a sufficient supply of gauze, papers, or similar articles

of the proper size to cover the mouth and nose while coughing or sneezing, (c) a heavy paper bag or other tight container for receiving the soiled gauze, paper, or similar articles; and unless such person shall obligate himself to use the articles provided for in the manner intended and to destroy said articles by burning or to disinfect them by immersing for at least one hour in a 5 per cent solution of carbolic acid or other solution of equivalent disinfecting value; nor shall any person knowing himself to be so afflicted apply for, procure, or accept transportation unless he shall have agreed to and made all necessary arrangements for complying and does so comply with the provisions as set forth in this regulation.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 150. **(Conveyances vacated by infected persons.)** Immediately after vacation by a person having any of the diseases mentioned in regulations 141, 143, 144 and 148, any berth, compartment, or stateroom shall be closed and not again occupied until properly cleaned and disinfected, and all bedding, blankets, and linen in any such place shall be laundered or otherwise thoroughly cleaned and disinfected before being again used.

Adopted March 9, 1923; effective July 1, 1923.

Water and Ice Supplies

Regulation 151. **(Water to be certified.)** Water provided by common carriers for drinking or culinary purposes in railway trains, cars, or other conveyances, or in railway stations, shall be taken from supplies certified by the United States Public Health Service as meeting the required standards of purity and safety prescribed by the Interstate Quarantine Regulations of the United States.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 152. **(Ice.)** Ice used for cooling water provided as in regulation 151 shall be clear natural ice, ice made from distilled water, or ice made from water certified as aforesaid; and before the ice is put into the water it shall be washed with water of known safety, and handled in such a manner as to prevent its becoming contaminated by the organisms of infectious diseases: Provided, That the foregoing shall not apply to ice that does not come in contact with the water to be cooled.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 153. **(Water containers.)** Water containers in newly constructed cars shall be so constructed that ice for cooling does not come in contact with the water to be cooled: Provided, That after

July, 1924, all water containers in cars shall be so constructed that ice does not come in contact with the water.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 154. (**Care of water containers.**) All water containers where water and ice are put into the same compartment shall be thoroughly cleansed at least once in each week that they are in use. All water containers and water storage tanks shall be thoroughly drained and flushed at intervals of not more than one month.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 155. (**Filling water containers.**) Portable hose or tubing that is used for filling drinking-water containers, or car storage tanks from which such containers are filled, shall have smooth nozzles which shall be protected from dirt and contamination; and before the free end or nozzle of said hose or tubing is put into the water container or car storage tank it shall be flushed and washed by a plentiful stream of water.

Adopted March 9, 1923; effective July 1, 1923.

Cleaning and Disinfection of Cars

Regulation 156. (**General.**) All railway passenger cars or other public conveyances shall be kept in a reasonably clean and sanitary condition at all times when they are in service, to be insured by mechanical cleaning at terminals and lay-over points.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 157. (**Cleaning.**) All day coaches, parlor cars, buffet cars, dining cars, and sleeping cars shall be brushed, swept, and dusted at the end of each round trip, or at least once in each day they are in service, and shall be thoroughly cleaned at intervals of not more than seven days.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 158. (**Thorough cleaning.**) Thorough cleaning shall consist of scrubbing the exposed floors with soap and water; similarly scrubbing the toilets and toilet-room floors; wiping down the woodwork with moist or oiled cloths; thorough dusting of upholstery and carpets by beating and brushing, or by means of the vacuum process or compressed air; washing or otherwise cleaning windows; and the thorough airing of the car and its contents.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 159. (**Odors in cars.**) When offensive odors appear in toilets or other parts of the car which are not obliterated and

removed by cleaning as in regulation 158, said toilets or other parts of the car shall be treated with a 2 per cent solution of formaldehyde or other odor-destroying substance.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 160. **(Vermin in cars.)** Whenever a car is known to have become infested with bedbugs, lice, fleas, or mosquitoes, such car shall be so treated as to effectively destroy such insects, and it shall not be used in service until such treatment has been given.

Adopted March 9, 1923; effective July 1, 1923.

Cars in Service

Regulation 161. **(Cleaning.)** The cleaning of cars while occupied shall be limited to the minimum consistent with the maintenance of cleanly conditions, and shall be carried out so as to cause the least possible raising of dust or other annoyance to passengers.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 162. **(Sweeping.)** Dry sweeping of the interior of a car in transit with an ordinary broom is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 163. **(Dusting.)** Dry dusting of the interior of a car in transit is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 164. **(Brushing.)** The brushing of passengers' clothing in the body of the car in transit is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 165. **(Drinking cups.)** Individual drinking cups in sufficient number shall be supplied in all cars, and the use of common drinking cups is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 166. **(Towels.)** The supplying of roller towels or other towels for common use in cars is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 167. **(Comb and brush.)** The supplying of combs and brushes for common use in cars is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 168. **(Spitting.)** Spitting on the floors, carpets, walls, or other parts of cars by passengers or other occupants of them is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 169. **(Cuspidors.)** An adequate supply of cuspidors shall be provided in all sleeping cars, smoking cars and smoking compartments of cars while in service. Said cuspidors shall be cleaned at the end of each trip, and oftener if their condition requires.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 170. **(Brushing of teeth.)** Spitting into, blowing the nose into, or brushing the teeth over wash basins in cars is prohibited. Separate basins for brushing the teeth shall be provided in the wash rooms of sleeping cars.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 171. **(Drinking water and ice.)** Drinking water and ice on railway cars shall be supplied in accordance with the conditions set forth in regulations 151, 152, 153, 154 and 155 of this code.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 172. **(Ventilation and heating.)** All cars when in service shall be provided with an adequate supply of fresh air, and in cold weather shall be heated so as to maintain comfort. When artificial heat is necessary, the temperature should not exceed 70° F., and in sleeping cars at night after passengers have retired it should not exceed 60° F.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 173. **(Toilets in cars.)** A proper toilet room and lavatory shall be provided in all railway passenger cars for the use of their occupants. Such toilets shall be supplied with toilet paper, soap, and free or pay clean towels, and shall be kept in a clean and sanitary condition. Provided, That cars used exclusively in suburban service are not required to be so equipped.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 174. **(Toilets to be locked.)** The toilet rooms in all railway cars shall be locked or otherwise protected from use while trains are standing at stations, passing through cities, or passing watersheds draining into reservoirs furnishing domestic water supplies, unless adequate water-tight containers are securely placed under the discharge pipe. The director of health shall designate the area of watersheds that may be affected by pollution from railroads and shall notify the managing officer of railroads as to the points between which all toilets shall be locked.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 175. **(Lavatories in dining cars.)** A lavatory shall be provided in all dining cars for the use of dining car employes.

and the same shall be supplied with soap and clean towels, and shall be kept in a clean and sanitary condition. Such lavatory shall have no direct connection with the kitchen, pantry, or other place where food is prepared. The word "dining car" as used in these regulations shall be held to include all cars in which food is prepared and served.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 176. **(Dining cars to be screened.)** Dining cars shall be screened against the entrance of flies and other insects, and it shall be the duty of dining car employes to destroy flies or other insects that may gain entrance.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 177. **(Dining car employes to cleanse hands.)** Dining car employes shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 178. **(Care of tableware.)** All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in dining cars shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 179. **(Food containers.)** Refrigerators, food boxes, or other receptacles for the storing of fresh food in dining and buffet cars shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 180. **(Food and milk.)** No spoiled or tainted food, whether cooked or uncooked, shall be served in any dining car; and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 181. **(Garbage.)** Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in dining cars to care for all refuse food and other wastes, and such wastes shall not be thrown from the car along the right of way within the limits of cities, towns, or villages, or within drainage areas furnishing domestic water supplies.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 182. **(Dining car inspection.)** The person in charge

of the dining car shall be responsible for compliance with all dining car regulations, and he shall make an inspection of the car each day for the purpose of maintaining a rigorous cleanliness in all portions thereof.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 183. **(Examination of food handlers.)** No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a dining car who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Adopted March 9, 1923; effective July 1, 1923.

Railway Stations

Regulation 184. **(General.)** All railway stations, including their waiting rooms, lunch rooms, restaurants, wash rooms, and toilets, shall be kept in a clean and sanitary condition at all times, to be insured by mechanical cleaning at regular intervals.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 185. **(Cleaning.)** All waiting rooms and other rooms used by the public shall be swept and dusted daily; and at intervals of not more than seven days the floors shall be scrubbed with soap and water, and the seats, benches, counters, and other woodwork shall be similarly scrubbed, or shall be rubbed down with a cloth moistened with oil.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 186. **(Sweeping.)** If sweeping is done while rooms are occupied or open to occupancy by patrons, the floor shall be first sprinkled with wet sawdust or other dust-absorbing material.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 187. **(Dusting.)** If dusting is done while rooms are occupied or open to occupancy by patrons, it shall be done only with cloths moistened with water, oil, or other dust-absorbing material.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 188. **(Spitting.)** Spitting on the floors, walls, seats, or platforms of railway stations is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 189. (**Cuspidors.**) In all waiting rooms where smoking is permitted, an adequate supply of cuspidors shall be provided; such cuspidors shall be cleaned daily, and oftener if their condition requires.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 190. (**Common cups.**) Individual drinking cups in sufficient number shall be supplied in all stations, and the use of common drinking cups is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 191. (**Common towels.**) The supplying of roller towels or other towels for common use in railway stations is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 192. (**Combs and brushes.**) The supplying of combs and brushes for common use in railway stations is prohibited.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 193. (**Toilet facilities.**) All railway stations where tickets are sold shall provide adequate toilet facilities, of a design approved by the state department of health, for the use of patrons and employes; and there shall be separate toilets for each of the two sexes.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 194. (**Station toilets.**) If a railway station is located within 200 feet of a public sewer, water flushing toilets shall be installed and permanently connected with such sewer, and a wash basin or basins shall be located near the toilet and similarly connected; and such toilets and lavatories shall be kept in repair and in good working order at all times.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 195. (**Care of toilets.**) All toilets installed as set forth in regulation 194 shall be cleaned daily by scrubbing the floors, bowls, and seats with soap and water.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 196. (**Odors in toilets.**) When offensive odors appear in toilets which are not obliterated and removed by cleaning as provided in regulation 195, said toilets shall be treated with a 2 per cent solution of formaldehyde or other odor-destroying substance.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 197. (**Toilet supplies.**) Toilets and wash rooms installed as set forth in regulation 194 shall be constantly furnished

with an adequate supply of toilet paper, soap, and free or pay clean towels.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 198. (**Privies.**) If no sewer connection is available as set forth in regulation 194, a sanitary privy of a design approved by the state department of health shall be maintained within a reasonable distance from the station. Such privy shall be adequately protected against the entrance of flies, shall be kept supplied with toilet paper, the seats shall be kept clean, and the vaults shall be treated with sodium hydrate or other approved disinfectant at least once in each week and shall be cleaned out and emptied at such intervals as will avoid the development of a nuisance.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 199. (**Drinking water and ice.**) Drinking water and ice in railway stations shall be supplied in accordance with regulations 151, 152, 153, 154 and 155 of this code.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 200. (**Water not usable for drinking.**) If water which does not conform to the standards set forth in regulation 151 of these regulations is available at any tap or hydrant or in a railway station, a notice shall be maintained on each such tap or hydrant which shall state in prominent letters, "Not fit for drinking."

Adopted March 9, 1923; effective July 1, 1923.

Regulation 201. (**Drinking fountains.**) If drinking fountains of the bubbling type are provided in any railway station they shall be so made that the drinking is from a free jet projected at an angle to the vertical and not from a jet that is projected vertically or that flows through a filled cup or bowl.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 202. (**Refuse cans.**) At all railway stations where there is an agent there shall be provided and maintained an adequate supply of open or automatically closing receptacles for the deposition of refuse and rubbish, and such receptacles shall be emptied daily and kept reasonably clean and free from odor.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 203. (**Cisterns, cesspools, etc.**) All cisterns, water-storage tanks, and cesspools in or about railway stations shall be adequately screened against the entrance of mosquitoes, and all collections of surface water on station property shall be drained or oiled

during the season of mosquito flight, to prevent the breeding of mosquitoes.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 204. **(Restaurants to be screened.)** All restaurants and lunch rooms, or other places where food is prepared or served in a railway station, shall have doors and windows adequately screened against the entrance of flies during the season of flight of these insects; and all food on display or storage racks shall be adequately covered.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 205. **(Lavatories for restaurants.)** A lavatory of easy and convenient access shall be provided for the use of employes in every restaurant or lunch room in any railway station, and it shall be provided with an adequate supply of water, soap, and clean towels.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 206. **(Restaurant employes.)** Restaurant employes who are engaged in the preparing or serving of food shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 207. **(Kitchen and table utensils.)** All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in railway restaurants or lunch rooms shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 208. **(Food containers.)** Refrigerators, food boxes, or other receptacles for the storing of fresh food in railway restaurants or lunch rooms shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 209. **(Garbage.)** Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in all restaurants and lunch rooms to care for all refuse food and other wastes; and such cans shall be emptied daily in an approved place and kept in a clean and sanitary condition.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 210. **(Restaurant inspection.)** The manager, chief, or other person in charge of any railway restaurant or lunch room shall

be responsible for compliance with all regulations pertaining thereto, and he shall make an inspection of the premises daily for the purpose of maintaining a rigorous cleanliness in all parts thereof.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 211. (**Station inspection.**) The agent, manager, or other person in charge of any railway station shall be responsible for compliance with all regulations pertaining thereto, and he shall make, or have made by a responsible person reporting to him, frequent inspections of the premises for the purpose of maintaining a rigorous compliance with all such regulations.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 212. (**Examination of food handlers.**) No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a railway restaurant or lunch room who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Adopted March 9, 1923; effective July 1, 1923.

Construction Camps

Regulation 213. (**Definition.**) For the purposes of these regulations railway construction camps shall be considered to include all camps and similar places of temporary abode, including those on wheels, established by or for the care of working forces engaged in the construction, repair, or alterations of railway properties or parts thereof: Provided, That camps which are occupied by less than five people, or camps which are established to meet emergency conditions and are not occupied longer than five days, shall not be included, except that regulation 230 of these regulations shall apply to them.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 214. (**General.**) All camps shall be so located and so maintained as to be conducive to the health of their occupants and not to endanger the health of the public; and all tents, houses, stables, or other structures therein shall be kept in a reasonably clean and sanitary condition at all times.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 215. (**Location.**) Camps, except those on wheels, should be located on high, well-drained ground; any natural sink holes, pools or other surface collections of water in the immediate vicinity should be drained and filled when the camp is first established; and all such water not subject to complete drainage should have the surface oiled at intervals of not more than seven days during the season of mosquito flight.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 216. (**Arrangement.**) The general scheme of relations of the structures of a camp should be as follows: The kitchen should be located at one end of the camp; next to this should be the eating quarters, then the sleeping quarters, then the toilets for the men, then the stable, thus bringing the kitchen and the stable at opposite ends of the camp, which should be as far apart as is consistent with the natural topography and the necessity for convenient access.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 217. (**Water supplies.**) All water supplies for camps shall be properly chlorinated, unless obtained from a source which has been approved by the state department of health.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 218. (**Water containers.**) All drinking-water containers in camps shall be securely closed and so arranged that water can be drawn only from a tap, and said containers shall be kept clean and free from contamination.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 219. (**Garbage and refuse.**) All garbage, kitchen wastes, and other rubbish in camps shall be deposited in suitably covered receptacles, the contents of which shall be emptied and burned each day; and manure from the stables shall be likewise collected and burned each day, or disposed of in some other manner approved by the state department of health.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 220. (**Scavenger.**) In all camps where there are 100 men or more there shall be one employe whose duty shall be to act as scavenger and garbage collector.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 221. (**Toilets.**) Every camp shall have an adequate number of latrines and urinals, so constructed and maintained as to prevent fly breeding and the pollution of water, and the use of such

latrines and urinals by the inhabitants of the camp shall be made obligatory. Latrines and urinals may consist of deep trenches covered with houses adequately screened against flies, or of any other type approved by the state department of health. They shall not be located within less than 200 feet of any spring, stream, lake, or reservoir forming part of a public or private water supply.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 222. (**Washing facilities.**) There shall be provided in all camps adequate washing facilities for the use of the occupants thereof.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 223. (**Screening.**) The kitchen, eating houses, and bunk houses of all camps shall be effectively screened against the entrance of flies and mosquitoes during the season of flight of these insects.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 224. (**Care of tableware.**) All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in camps shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 225. (**Food containers.**) Refrigerators, food boxes, or other receptacles for the storing of fresh food in camps shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 226. (**Food and milk.**) No spoiled or tainted food, whether cooked or uncooked, shall be served in any camp; and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 227. (**Examination of food handlers.**) No person shall be employed as a cook, waiter, or in any other capacity in the preparation or serving of food in any camp who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom

from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 228. (**Sick persons.**) When an occupant of a camp becomes sick with a dangerous communicable disease, he shall be immediately isolated, and the health commissioner within whose jurisdiction the camp is located shall be immediately notified.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 229. (**Vermin.**) It shall be the duty of some one appointed as caretaker of the camp to make regular weekly inspections of the occupants and premises in order to ascertain the presence of lice or other vermin. Persons found to be infested shall be required to bathe, and their clothing shall be boiled; and the premises found to be infested shall be fumigated with sulphur or treated by some other effective vermin-destroying method.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 230. (**Abandoned camps.**) When any camp is to be abandoned, all garbage, rubbish, and manure shall be collected and burned, the latrine trenches filled, and the ground and buildings shall be left in a clean and sanitary condition.

Adopted March 9, 1923; effective July 1, 1923.

Regulation 231. (**Duty to enforce regulations.**) It shall be the duty of the superintendent, foreman, or other person in-charge of a camp to see that all regulations pertaining thereto are faithfully complied with.

Adopted March 9, 1923; effective July 1, 1923.

SANITATION OF CAMPS

Regulation 232. (**To what camps regulations apply.**) For the purpose of these regulations camps shall be considered to include all locations and places of abode of three or more tents or structures, including those stationary or movable, either temporary or permanent, and shall apply to any construction, work, recreational, health, educational, sectarian, tourist, picnic, or resort camp, now or hereafter established within the state.

Adopted April 24, 1925; amended October 10, 1942; effective January 15, 1943.

Regulation 233. (**Application for permit; examination of site and equipment. Notification.**) No person, firm, corporation, organization, or political subdivision, or officer or employe thereof, shall establish,

maintain or use a camp for any of the purposes enumerated in regulation 232 until written notification, describing the location and purpose of the camp, has been given to the health commissioner of the district in which the camp is located and a written permit or approval for the establishment, maintenance or use of such camp has been issued by the district health commissioner. Prior to the issuance of such permit or approval the district health commissioner shall examine the camp site and its equipment and facilities, and shall determine that the sanitary conditions at the camp are satisfactory and that the proposed use of the camp will not be detrimental to the public health. Notification of the results of such examination shall be given to the person, firm, corporation, organization or political subdivision proposing the establishment, maintenance or use of the camp, and the state department of health.

Adopted April 24, 1925; amended January 19, 1941; effective February 1, 1941.

Regulation 234. **(General requirements.)** The following general requirements relating to the site, equipment, facilities and maintenance of the camp shall be complied with:

(a) The camp site shall be of adequate area, suitably located, properly drained and removed from swampy or wet land.

(b) The camp shall be provided with an adequate water supply of satisfactory quality for drinking and from an approved source.

(c) The camp shall be provided with adequate and approved toilet facilities comprising water-flushed plumbing equipment or properly located and constructed privies of approved design. If water-flushed plumbing equipment is used the sewage shall be disposed of in a manner which will not create a nuisance, pollute a stream, lake or other body of water, or contaminate a water supply or bathing place. If privies are used the vaults shall be cleaned as frequently as may be necessary and the contents shall be disposed of in a manner which will not create a nuisance, pollute a stream, lake or other body of water or contaminate a water supply or bathing place. Separate toilet facilities shall be provided for males and females.

(d) The camp shall be provided with suitable water-tight covered receptacles for the storage of garbage and other refuse. These waste materials shall be disposed of in a manner which will not create a nuisance, pollute a stream, lake or other body of water, or contaminate a water supply or bathing place.

(e) The camp shall be provided with suitable drains or water-tight receptacles for receiving the liquid wastes other than body excreta. These wastes shall be disposed of in a manner which will

not create a nuisance, pollute a stream, lake or other body of water or contaminate a water supply or bathing place.

(f) All places used for human habitation in a camp must be provided with adequate heat, light, ventilation, sanitation, and sufficient cubical content for the occupancy of those persons therein.

(g) The owner or lessee of the property shall be responsible for the construction and maintenance of the camp. A manager or caretaker shall be provided who shall be in constant charge of the maintenance and sanitary condition of the camp and insure freedom of any nuisance or insanitary condition emanating from the camp.

(h) When the camp is abandoned or vacated, the owner or lessee of the property shall be responsible for placing the grounds and buildings in a clean and sanitary condition.

Adopted April 24, 1925; amended January 19, 1941; effective February 1, 1941.

Regulation 234a. **(Trailer house sanitation.)** (a) The wash water, refuse, garbage and the contents of trailer house toilets shall not be deposited upon the surface of the ground, or in a manner which may allow this material to gain access to any waters of the state.

(b) All built-in toilets in trailer houses shall be provided with fly-tight, leak-proof metal receptacles for containing human excrement and said receptacles shall contain sufficient caustic soda, or similar chemicals to render the contents innocuous.

(c) All tourist or resort camps at which trailer houses are allowed to park shall provide an approved type of sanitary fly-tight depository into which the contents of trailer house chemical toilets may be deposited. In addition, provision shall be made for washing these chemical toilet cans in a sanitary manner.

(d) When trailers serve as permanent homes the use of built-in toilets shall not be allowed unless the installation complies with state and local ordinances, codes or regulations pertaining to plumbing and its installation.

Adopted July 9, 1937; effective August 1, 1937.

Regulation 235. **(Approved camp sign; revocation.)** Whenever, in the judgment of the district health commissioner, the foregoing requirements are satisfactorily met, the owner of the camp may be authorized to erect a standard sign or marker to indicate to the public that the camp has been investigated by the district health commissioner and has been found satisfactory. No such sign or marker may be erected or maintained without authorization in

writing by the district health commissioner. Such authorization may be revoked for cause at any time.

Adopted April 24, 1925; amended January 19, 1941; effective February 1, 1941.

OPERATING PERSONNEL OF WATER AND SEWAGE TREATMENT WORKS

Regulation 236. All cities, villages, counties, public institutions and corporations now operating or which may hereafter operate any water or sewage treatment works shall be required to place such treatment works under the supervision of a trained individual whose ability to perform the duties required shall have been certified to by the state director of health, provided that nothing in these regulations shall be construed as preventing any such city, village, county, public institution or corporation from continuing in office any qualified person now so employed. The application of these regulations shall be extended to the operating personnel whose duties may include responsible charge of operation of water or sewage treatment works for any period of time.

Adopted July 9, 1937; effective August 1, 1937.

Regulation 237. The director of health shall set up rules pertaining to the examination, classification and certification of persons in charge of water and sewage treatment works now in operation or hereafter placed in operation.

Adopted July 9, 1937; effective August 1, 1937.

Regulation 238. The director of health shall prescribe the classification required of the individuals to be in charge of each such water and sewage treatment works including both the individual charged with the supervision of said works and the operating personnel whose duties may include responsible charge of operation of said works for any period of time, such requirement to be subject to change at the discretion of the director of health.

Adopted July 9, 1937; effective August 1, 1937.

Regulation 239. After this date no city, village, county, public institution or corporation shall employ as the responsible individual in charge, or any individual whose duties may include responsible charge of operation, of a water or sewage treatment works, who has not been certified by the director of health as competent to hold such responsibility.

Adopted July 9, 1937; effective August 1, 1937.

Regulation 240. The director of health shall prescribe certain tests to be made and records of the operation of each water and sewage treatment works, such records to be filed monthly at the office of the department of health, State of Ohio.

Adopted July 9, 1937; effective August 1, 1937.

Regulation 241. **(Definitions.)** For the purpose of carrying out the provisions of these regulations the following terms are defined:

Hatters' Fur is any animal fiber or other substance used in the manufacture of hats, which is treated or otherwise prepared by the process of, or, in a manner similar to that of carroting.

Carroting is the process of treating hatters' fur with mercury nitrate or any other solution or material for the purpose of rendering the hatters' fur suitable in the manufacture of hats.

Mercurial carrot is any solution or material containing mercury or its compounds in combination with nitric acid or other materials and used in the carroting or preparation of hatters' fur.

Adopted October 18, 1941; filed with Secretary of State November 18, 1941; effective December 1, 1941.

Regulation 242. Effective December 1, 1941, the use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carotted hatters' fur in the manufacture of hats, is prohibited:

Provided, That any hat manufacturer or fur cutter having mercurial carotted hatters' fur on hand December 1, 1941, may use said fur until it is consumed.

Adopted October 18, 1941; filed with Secretary of State November 18, 1941; effective December 1, 1941.

Regulation 243. **(Birth certificate.)** The certificate of birth of a live child, provided by section 1261-52 of the General Code, shall contain, as an addition to the items and information required by the United States Bureau of the Census, the following items: 7a. Weight at Birth; 7b. Congenital Malformation.

Adopted January 10, 1943; filed with Secretary of State February 13, 1943; effective February 25, 1943.

INDEX

Part II OHIO SANITARY CODE

	Regulation Number	Page
Actinomycosis		
Cases of, reportable.....	2	415
Methods of control.....	16	426
Adoption of Regulations		
Declaration of	1	415
Aniline Poisoning		
Cases of, reportable.....	2	415
Animal		
Bite of, to be reported.....	2b	417
Confined in pound	2c	417
Examination of.....	2c	417
Anthrax		
Cases of, reportable.....	2	415
Methods of control.....	16	426
Approval		
Application for, contents	103	496
Cross connections.....	102a	495
Submission of plans for.....	102	495
Arsenic Poisoning		
Cases of, reportable.....	2	415
Ascariasis		
Cases of, reportable during unusual prevalence.....	2	415
Methods of control.....	16	466
Barber		
Regulation governing.....	138	509
Barber Shop		
Notice to be posted.....	140	510
Regulation governing.....	138	509
Bath House		
Requirements for, in sanitary district.....	109a	500
Bathing Place		
Requirements for, in sanitary district.....	109a	500
Beauty Parlor		
Notice to be posted.....	140	510
Benzine Poisoning		
Cases of, reportable.....	2	415
Benzol Poisoning		
Cases of, reportable.....	2	416

Beverages		
Regulations governing sale of.....	95	491
Board of Health		
Approval of application for license of maternity hospital....	72	486
Permit to dispose of food.....	14a	424
To issue permit to operate a camp.....	233	526
Boat Sanitation		
In sanitary district.....	109b	500
Botulism		
Cases of, reportable.....	2	415
Methods of control.....	16	428
Brass Poisoning		
Cases of, reportable.....	2	416
Brushing		
In body of car, prohibited.....	164	516
Brushing of Teeth		
Separate basin for.....	170	517
Buckeye Lake State Park		
Designated as a sanitary district.....	105	499
Butter		
Sale of, prohibited, when.....	14a	424
Camp—See also "Construction Camp"		
Application for permit.....	233	526
Approved sign for.....	235	528
Definition of.....	232	526
Examination of camp site.....	233	526
Permit required to operate.....	233	526
Regulations governing.....	232	526
Requirements for.....	234	527
Revocation of permit.....	235	528
Trailer house sanitation.....	234a	528
Carbon Monoxide Poisoning		
Cases of, reportable.....	2	416
Carrier		
Definition of term.....	11	420
Carroting		
Definition.....	241	530
Cat		
Bite of, to be reported.....	2b	417
Confined in pound.....	2c	417
Examination of.....	2c	417
Chancroid—See also "Venereal Disease"		
Cases of, reportable.....	2	415
Cheese		
Sale of, prohibited, when.....	14a	424
Chemical Privy Tank		
Permit for in sanitary district.....	113	501
Use of, in sanitary district.....	115	502
Chickenpox		
Cases of, reportable.....	2	415
Restrictions for travel by common carrier.....	143	510

Cholera		
Cases of, reportable.....	2	415
Methods of control.....	16	428
Transportation by common carrier, prohibited.....	141	510
Transportation of bodies dead from.....	49	480
Cisterns (abandoned)		
Use prohibited for waste disposal.....	111	500
Cleaning		
Definition of term.....	11	420
Of cars	156, 157, 158	515
Of cars while occupied.....	161	516
Cleansing		
Equipment in drug stores, etc.....	96	491
Climatic Bubo		
Cases of, reportable.....	2	415
Methods of control.....	16	441
Clinic		
Superintendent to report.....	4	418
Coccidioidomycosis		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	466
Comb and Brush		
For common use, prohibited.....	167	516
Common Carrier		
Agreement to comply with requirements for travel.....	145	512
Certification of ice used by.....	152	514
Certification of water supply used by.....	151	514
Cleaning and disinfection of cars.....	156, 157, 158	515
Construction and care of water containers.....	153, 154, 155	514, 515
Conveyances occupied by infected person to be cleaned and disinfected.....	150	514
Prohibited from accepting persons having certain diseases....	142	510
Restricted travel for persons having diphtheria, etc.....	153	510
Sanitary procedures for cars in service.....	161 to 183	516
Suspected cases of communicable disease to be reported to health commissioner.....	146	512
Transportation of persons having leprosy.....	148	513
Transportation of persons having pulmonary tuberculosis....	149	513
Treatment to control odors.....	159	515
Treatment to destroy vermin.....	160	516
Common Cold		
Cases reportable during unusual prevalence.....	2	415
Methods of control	16	467
Common Drinking Cup		
Use of, forbidden.....	137	508
Common Towel		
Use of, forbidden.....	136	508
Communicable Disease		
In family of milk handler.....	108	499
In sanitary district.....	107	499
Investigation of reported cases.....	13	424

Communicable Disease, con.

Investigation of unreported cases.....	14	424
Isolation of, at construction camp.....	228	526
Methods of control.....	16	425
Notice of removal from district.....	15	425
Notice to school authorities.....	13a	424
Quarantine, how enforced.....	12	423
Reports from maternity hospitals.....	93	493
Sale of farm and dairy products.....	14a	424
Transportation of persons having.....	141 to 150	510
Compressed-Air Illness		
Cases of, reportable.....	2	416
Confectionery		
Regulations governing sale of ice cream, etc.....	95	494
Conjunctivitis, Acute Infectious		
Methods of control.....	16	430
Construction Camp		
Abandoned, to be made sanitary.....	230	526
Arrangement of.....	216	524
Care of food containers.....	225	525
Care of sick persons	228	526
Care of tableware, utensils, etc.....	224	525
Definition	213	523
Enforcement of regulations.....	231	526
Examination of food handlers.....	227	525
Food and milk supplies	226	526
Garbage and refuse.....	219	524
Location of	214, 215	523, 524
Scavenger to be provided.....	220	524
Screening of buildings.....	223	525
Toilets to be provided	221	524
Vermin to be destroyed.....	229	526
Washing facilities at.....	222	525
Water containers	218	524
Water supply for.....	217	524
Contact		
Definition of term.....	11	420
Containers		
Milk and cream, to be cleaned.....	101	495
Coughing		
Ungarded, in public, forbidden.....	135	508
Cross Connections		
Prohibited unless approved.....	102a	495
Cuspidors		
Provided for sleeping and smoking cars.....	169	517
Dairy		
Insanitary condition of, in sanitary district.....	128	506
Inspection of, in sanitary district.....	125	505
Sale of products from.....	14a	424
Dead Bodies		
Death caused by contagious disease.....	49	480

Dead Bodies, con.

Disinfectant fluid used.....	54	481
Handles on outside case when transported by common carrier	53	481
Preparation for shipment.....	19	480
Preparation of, dead from disease not acute contagious.....	50	480
Preparation of, for medical college.....	50	480
Transit label	48	479
Transit permit	48	479
Transportation by hearse.....	52	481
Transportation of	48	479
Transportation of disinterred.....	51	481
Death Certificates		
Reports of diseases from.....	8	420
Declaration		
Adoption of sanitary code.....	1	415
Definitions		
Terms used in code.....	11	420
Delousing		
Definition of term	11	421
Dengue		
Cases of, reportable.....	2	415
Methods of control.....	16	430
Dentist		
Duty to report cases of venereal disease.....	19	474
Instruction to venereal disease patients.....	20	475
Department of Health		
Application for approval, what to contain.....	103	496
Approval of plans for plumbing, drainage and sanitary equipment	104	497
Forms for reports of venereal disease.....	19	474
Record of cases to be made and preserved.....	36	479
Reports by health commissioner.....	31	478
Reports forwarded to.....	7	419
Submission to, of plans for public improvements.....	102	495
To furnish instructions for venereal disease patients.....	20	475
Dining Car		
Care and disposal of garbage.....	181	518
Care of tableware.....	178	518
Employees to cleanse hands.....	177	518
Examination of food handlers.....	183	519
Food and milk, quality	180	518
Food containers to be cleaned.....	179	518
Inspection of	182	518
Lavatory in.....	175	517
Screened against flies, etc.....	176	518
Dinitrobenzine Poisoning		
Cases of, reportable.....	2	416
Diphtheria		
Cases of, reportable.....	2	415
Methods of control.....	16	431
Pacarding for	12	423

Diphtheria, con.

Restrictions for travel by common carrier.....	143	510
Sale of food regulated, when.....	14a	424
Transportation of bodies dead from.....	49	480
Director of Health		
Certificate of approval of tuberculosis hospitals.....	57	482
Inspection of tuberculosis hospitals.....	56	482
License for maternity hospitals.....	72	486
May authorize reports by telephone.....	6	419
Notice of admission of patients to tuberculosis hospital....	61	483
Notice of death or discharge of patients.....	62	483
Permit to dispose of food.....	14a	421
Record of maternity hospital license.....	73	486
Reports from tuberculosis hospitals.....	55	482
Rules and regulations of tuberculosis hospitals to be filed with	58	482
Water and Sewage Treatment Works		
Certification of personnel for.....	236	529
Classification of positions.....	238	529
Employment of uncertified personnel, prohibited.....	239	529
Rules pertaining to personnel.....	237	529
Tests and records.....	239	529
Disabilities		
Reportable	2	415
Diseases		
Reportable	2	415
Who shall report	3	418
Dishes		
Cleansing and sterilization.....	97	494
Disinfectant Fluid		
Used in bodies to be transported.....	51	481
Disinfection •		
Cleansing, how performed.....	17	473
Concurrent, during course of disease.....	17	473
Conveyances used by infected person.....	150	514
Definition of term.....	11	421
Gaseous, how performed.....	17	473
Of mattresses, when.....	17a	474
Disinfesting		
Definition of term.....	11	421
Dispensary		
Superintendent to report.....	4	418
Superintendent to report cases of venereal disease.....	19	471
Dog		
Bite of, to be reported.....	2b	417
Confined in pound.....	2c	417
Examination of.....	2c	417
Drainage		
Approval of plans and specifications for.....	104	497
In sanitary district.....	110	500
Waste disposal, prohibited, when.....	112	501

Drinking Cups		
Individual, to be provided.....	165	516
Druggist		
Record of requests for remedy for venereal disease.....	21	475
Drug Stores		
Regulations governing the sale of ice cream, etc.....	95	494
Dusting		
Dry, prohibited	163	516
Dysentery		
Amebic		
Cases of, reportable.....	2	415
Methods of control.....	16	432
Sale of food regulated, when.....	14a	424
Bacillary		
Cases of, reportable.....	2	415
Methods of control.....	16	433
Sale of food regulated, when.....	14a	424
Restrictions for travel by common carrier.....	144	511
Employees		
Dining car, to cleanse hands.....	177	518
Encephalitis, Infectious		
Cases of, reportable.....	2	415
Methods of control.....	16	434
Restrictions for travel by common carrier.....	143	510
Sale of food regulated, when.....	14a	424
Epidemic Diarrhea of the Newborn		
Cases of, reportable.....	2	415
Equipment		
Cleansing and sterilization in drug stores, etc.....	96	494
Erysipelas		
Cases of, reportable.....	2	415
Farm		
Sale of products from.....	14a	424
Favus		
Cases of, reportable.....	2	415
Methods of control.....	16	435
Filiariasis		
Cases reportable during unusual prevalence.....	2	416
Methods of control.....	16	468
Food		
Protection of, against dogs.....	132	507
Protection of, from dust, etc., in sanitary district.....	131	507
Sale of, prohibited, when.....	14a	424
Selling unwholesome, in sanitary district.....	129	507
Tainted, not to be served in dining car.....	180	518
Food Containers		
Cleansing of, in dining car.....	179	518

Food Handlers		
Examination of.....	212	523
Examination of, at construction camps.....	227	525
Physical examination of.....	183	519
Food Infections and Poisonings		
Cases of, reportable.....	2	415
Methods of control.....	16	435
Foot and Mouth Disease (in man)		
Cases of, reportable.....	2	415
Forms		
Standard, to be used in reporting.....	4	418
Fumigation		
Definition of term.....	11	421
Garbage		
Cans must be provided for.....	181	518
Collection and disposal at construction camp.....	219	524
Metal cans for, in sanitary district.....	122	505
German Measles		
Cases of, reportable.....	2	415
Methods of control.....	16	436
Glanders		
Cases of, reportable.....	2	415
Methods of control.....	16	436
Gonorrhea—See also "Venereal Disease"		
Cases of, reportable.....	2	415
Methods of control.....	16	437
Gonorrheal Ophthalmia		
Cases of, reportable.....	2	415
Cases to be reported in six hours.....	5	419
Definition	31	477
Form of report.....	34	478
Investigation by health commissioner.....	35	479
Investigation of reports.....	35	479
Methods of control.....	16	438
Record of cases.....	36	479
Reports to department of health.....	34	478
Reports to Ohio commission for the blind.....	35	479
Who shall report cases.....	32	478
Granuloma Inguinale—See also "Venereal Disease"		
Cases of, reportable.....	2	415
Methods of control.....	16	441
Guilford Lake State Park		
Designated as a sanitary district.....	105	499
Hair Dresser		
Notice to be posted.....	140	510
Regulation governing.....	139	510
Hatters' Fur		
Definition	241	530
Use of mercurial carrot in, prohibited.....	242	530

Health Commissioner

Application for camp permit.....	233	526
Compliance with nomenclature in reporting cases.....	2a	417
Communicable disease to be reported to.....	3	418
Correction in nomenclature.....	2a	417
Duty to quarantine premises.....	12	423
Duty to remove suspected cases of communicable disease....	147	513
Examination of persons suspected of having venereal disease.	23	475
Investigation of cases of venereal disease.....	22	475
Investigation of reported cases.....	13	424
Investigation of unreported cases.....	14	424
Isolation of venereally diseased persons.....	24	476
Notice of removal of infected person.....	27	476
Notice to schools.....	13a	424
Procedure in quarantine.....	12	423
Removal of patient from district.....	15	425
Reports from death certificates.....	8	420
Reports of cases of inflammation of eyes of newborn and gonorrheal ophthalmia.....	32	478
Reports sent to.....	5	419
Reports to department of health.....	34	478
Reports to the Ohio commission for the blind.....	35	479
Special reports by.....	10	420
Time to forward reports.....	9	420
Venereal diseases to be reported by.....	19	474
Health District		
Removal of communicable disease patient.....	15	425
Heating		
Temperature of cars.....	172	517
Hemorrhagic Jaundice		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	468
Hogs		
Keeping, in sanitary district.....	124	505
Hookworm Disease		
Cases of, reportable.....	2	415
Methods of control.....	16	438
Hospital—See also "Maternity Hospital"; "Tuberculosis Hospital"		
Superintendent to report.....	4	418
Superintendent to report cases of venereal disease.....	19	474
Ice		
Certification of, used by common carrier.....	152	514
Permit to cut or sell, in sanitary district.....	133	507
Ice Cream		
Regulations governing sale of.....	95	494
Ice Cream Parlors		
Regulations governing.....	95	494
Immune Person		
Definition of term.....	11	423

Impetigo Contagiosa		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	469
Indian Lake State Park		
Designated as a sanitary district.....	105	499
Industrial Waste		
Submission of plans for approval.....	102, 103	495, 496
Infestations		
Cases of, reportable.....	2	415
Inflammation of Eyes of the Newborn		
Cases of, reportable.....	2	415
Cases to be reported in six hours.....	5	419
Definition	31	477
Form of report.....	34	478
Investigation by health commissioner.....	35	479
Investigation of reports.....	35	479
Methods of control.....	16	438
Record of cases.....	36	479
Reports to department of health.....	34	478
Reports to Ohio commission for the blind.....	35	479
Who shall report cases of.....	32	478
Influenza		
Cases of, reportable.....	2	415
Methods of control.....	16	439
Restrictions for travel by common carrier.....	143	510
Institutions		
Superintendent to report cases of venereal disease.....	19	474
International Nomenclature of Causes of Deaths		
Compliance with, in reporting cases of disease.....	2a	417
Isolation		
Definition of term.....	11	423
Laboratory		
In maternity hospital.....	88	491
Lake Loramie State Park		
Designated as a sanitary district.....	105	499
Lake St. Marys State Park		
Designated as a sanitary district.....	105	499
Lavatory		
For dining car employees.....	175	517
For restaurant at railway station.....	205	522
In passenger cars.....	173	517
Lead Poisoning		
Cases of, reportable.....	2	415
Leprosy		
Cases of, reportable.....	2	415
Methods of control.....	16	440
Provisions for transportation by common carrier.....	148	513
License—See "Maternity Hospital"		
Lunch Room		
At Railway Station		
Sanitary condition required.....	184	519

Lying-in Hospital—See “Maternity Hospital”

Lymphogranuloma Venereum—See also “Venereal Disease”

Cases of, reportable.....	2	415
Methods of control.....	16	441

Malaria

Cases of, reportable.....	2	415
Methods of control.....	16	441

Manicure

Regulation governing.....	139	510
---------------------------	-----	-----

Manure

Bins for, in sanitary district.....	121	504
Removal of, in sanitary district.....	120	504

Maternity Home—See “Maternity Hospital”

Maternity Hospital

Annual and special reports.....	94	493
Building requirements.....	80	488
Building requirements to be met.....	72	486
Definition.....	71	485
Delivery room.....	86	491
Disposition of child.....	92	493
Duty to report cases of gonorrheal ophthalmia.....	32	478
Duty to report cases of inflammation of eyes of newborn...	32	478
Fire protection.....	81	489
Information regarding patients.....	91	492
Inspection by building inspector.....	72	486
Isolation facilities.....	85	490
Laboratory.....	88	491
License		
Application for.....	72	486
Contents of.....	73	486
Notice of suspension or revocation.....	77	487
Not transferable.....	74	487
Posted on licensed premises.....	75	487
Record of, in journal.....	73	486
Revocation of.....	76	487
Medical and nursing service.....	78	488
Morbidity reports.....	93	493
Nursery.....	87	491
Personnel.....	78	488
Procedure at birth of infant.....	83	489
Public health council to conduct hearing.....	77	487
Records of patients.....	91	492
Sanitation of buildings, equipment, etc.....	29	477
Segregation of patients.....	82	489
Space for patients.....	84	490
Supplies, equipment and facilities.....	89	492
Visitors.....	90	492
Vital statistics reports.....	91	492

Mattresses

Disinfection and sterilization of, when.....	17a	474
--	-----	-----

Measles		
Cases of, reportable.....	2	415
Methods of control.....	16	412
Restrictions for travel by common carrier.....	143	510
Meat		
Permit to sell, in sanitary district.....	126	505
Selling immature, in sanitary district.....	130	507
Meat Market		
Inspection of, in sanitary district.....	125	505
Meningococcus Meningitis		
Cases of, reportable.....	2	415
Methods of control.....	16	441
Placarding for.....	12	428
Restrictions for travel by common carrier.....	143	510
Sale of food regulated, when.....	14a	424
Mercurial Carrot		
Definition	241	530
Use in hatters fur, prohibited.....	242	530
Mercury Poisoning		
Cases of, reportable.....	2	415
Methods of Control		
Of diseases specified.....	16	425
Midwife		
Duty to report cases of gonorrheal ophthalmia.....	32	478
Duty to report cases of inflammation of eyes of newborn..	32	478
Duty to report diseases.....	3	418
Milk		
Communicable disease in family of handler.....	108	499
Pasteurized, only may be served.....	180	518
Permit to sell, in sanitary district.....	126	505
Quality of, sold in sanitary district.....	127	506
Sale of, prohibited, when.....	14a	424
Milk Plant		
Inspection of, in sanitary district.....	125	505
Milk Sickness		
Cases of, reportable.....	2	415
Mosquitoes		
Cisterns, etc., at railway stations to be screened against.....	203	521
Mumps		
Cases of, reportable.....	2	415
Methods of control.....	16	445
Restrictions for travel by common carrier.....	143	510
Naphtha Poisoning		
Cases of, reportable.....	2	415
Natural Gas Poisoning		
Cases of, reportable.....	2	415
Night Soil		
Permit to remove, in sanitary district.....	119	504
Nomenclature		
International causes of death to be used.....	2a	417

Nuisance		
Abatement of, in sanitary district.....	123	505
Nurse		
Duty to report cases of gonorrheal ophthalmia.....	32	478
Duty to report cases of inflammation of eyes of newborn..	32	478
Duty to report diseases.....	3	418
Nursery		
In maternity hospital.....	87	491
Odors		
Treatment to control.....	159, 196	515, 520
Ohio Commission for the Blind		
Health commissioner to report to.....	35	479
Paratyphoid Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	445
Restrictions for travel by common carrier.....	144	511
Sale of food regulated, when.....	11a	424
Pediculosis		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	469
Pellagra		
Cases of, reportable.....	2	415
Methods of control.....	16	446
Personal Cleanliness		
Definition of term.....	11	421
Personnel		
In maternity hospital.....	78	488
Pharmacist		
Record of request for remedy for venereal disease.....	21	475
Phosphorus Poisoning		
Cases of, reportable.....	2	415
Physician		
Certificate of freedom of venereal disease.....	28	477
Compliance with nomenclature in reporting cases.....	2a	417
Duty to report cases of gonorrheal ophthalmia.....	32	478
Duty to report cases of inflammation of eyes of newborn..	32	478
Duty to report cases of venereal disease.....	19	474
Duty to report diseases.....	3	418
Instruction to venereal disease patients.....	20	475
Report of discontinuance of venereal disease treatment....	25	476
Placarding		
Diseases which require.....	12	423
Plague		
Cases of, reportable.....	2	415
Methods of control.....	16	447
Transportation by common carrier prohibited.....	141	510
Transportation of body dead from.....	49	480
Plans		
Plumbing, drainage and sanitary equipment to be approved..	104	497
Submission of, for approval.....	102	495

Plumbing		
Approval of plans and specifications for.....	104	497
In sanitary district.....	110	500
Pneumonia		
Acute Lobar		
Cases of, reportable.....	2	415
Methods of control.....	16	447
Restrictions for travel by common carrier.....	143	510
Poliomyelitis		
Cases of, reportable.....	2	415
Methods of control.....	16	448
Placarding for.....	12	423
Restrictions for travel by common carrier.....	143	510
Sale of food regulated, when.....	14a	424
Portage Lakes State Park		
Designated as a sanitary district.....	105	499
Privy		
At railway station.....	198	521
Privy Vaults		
Abandoned; treatment of.....	117	503
Cleaning of.....	118	504
Construction of, in sanitary district.....	114	501
Permits for, in sanitary district.....	113	501
Prostitutes		
Declared reasonably suspected of having venereal disease....	23	475
Psittacosis		
Cases of, reportable.....	2	415
Methods of control.....	16	449
Public Conveyance		
Spitting forbidden.....	134	508
Public Health Council		
Adoption of sanitary code.....	1	415
Puerperal Infection		
Cases of, reportable.....	2	415
Methods of control.....	16	450
Pymatuning Reservoir State Park		
Designated as a sanitary district.....	105	499
Quarantine		
Definition of term.....	11	420
Procedure to be followed.....	11	420
Rabies		
Animals to be confined in pound.....	2c	417
(In Man)		
Cases of, reportable.....	2	415
Methods of control.....	16	450
Railroad Sanitation		
Cars in service.....	161 to 183	516
Cleaning and disinfection of cars.....	156 to 160	515
Construction camps.....	213 to 231	523
Railway stations.....	184 to 212	519

Railroad Sanitation, con.

Transportation of persons having communicable disease.....	141 to 150	510
Water and ice supplies.....	151 to 155	514
Railway Stations		
Sanitary conditions required.....	184 to 212	519
Rat Bite Fever		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	470
Refrigerator		
Care of, at construction camp.....	225	525
Cleaning of.....	98	495
Refuse		
Cans for, to be provided at railway stations.....	202	521
Registrars		
Report of disease from death certificates.....	8	420
Relapsing Fever		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	470
Renovation		
Definition of term.....	11	420
Report of Disease		
Definition of term.....	11	420
Reports		
Annual, of tuberculosis hospital.....	55	482
Bites of dog or other animal.....	2b	417
Forwarded to department of health.....	7	419
From death certificates.....	8	420
Information required.....	5	419
Made to health commissioner.....	5	419
Separate, in dual disease.....	2a	417
Special, by health commissioner.....	10	420
Standard form to be used.....	4	418
Telephone, if authorized.....	6	419
Time limit for reporting.....	5	419
Time to be forwarded.....	9	420
Verbal, to be recorded on standard form.....	6	419
Written, required.....	6	419
Restaurant		
At Railway Station		
Employees to cleanse hands.....	206	522
Garbage cans to be provided.....	209	522
Inspection of.....	210	522
Refrigerators, etc., to be cleaned.....	208	522
Sanitary condition required.....	184	519
To be screened.....	204	522
Utensils to be cleaned.....	207	522
Inspection of, in sanitary district.....	125	505
Ringworm		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	470
Rocky Mountain Spotted Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	451

Sanitary Code		
Declaration of adoption.....	1	415
Sanitary District		
Abandoned vaults.....	117	503
Abandoned wells and cisterns.....	111	501
Bathing	109a	500
Boat sanitation.....	109b	500
Chemical privy tanks.....	115	502
Cleaning privy vaults, etc.....	118	504
Communicable disease in.....	107	499
Communicable disease in family of milk handler.....	108	499
Construction and use of sewage disposal equipment.....	116	502
Construction of privies and privy vaults.....	114	501
Dairy inspection	125	505
Garbage, storage of.....	122	505
Hogs, limitation on keeping.....	124	505
Immature meat.....	130	507
Insanitary conditions at dairy.....	128	506
Inspector for.....	106	499
Manure bins.....	121	504
Nuisance abatement	123	505
Permits for privies, privy vaults, etc.....	113	501
Permit to cut or sell ice.....	133	507
Permit to remove night soil.....	119	504
Permit to sell milk or meat.....	126	505
Plumbing and drainage in.....	110	500
Protection of food against dogs.....	132	507
Protection of food from dust, etc.....	131	507
Quality of milk.....	127	506
Removal of manure.....	120	504
Sanitary sewers, use of.....	117	503
Selling unwholesome food.....	129	507
State parks designated as.....	105	499
Use of street, road, etc., for waste disposal.....	112	501
Water supplies to be approved.....	109	500
Sanitary Equipment		
Approval of plans and specifications for.....	194	497
Sanitary Inspector		
Abatement of nuisances.....	125	505
Approval of water supply.....	109	500
Duty regarding cleaning of privy vaults, etc.....	117	503
For sanitary district.....	106	499
Inspection of dairies, milk plants, etc.....	125	505
Permit to cut or sell ice.....	133	507
Scabies		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	471
Scarlet Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	451
Placarding for.....	12	423

Scarlet Fever, con.

Restrictions for travel by common carrier.....	143	519
Sale of food regulated, when.....	14a	424
Transportation of bodies dead from.....	49	480

Scavenger

For construction camp.....	220	524
----------------------------	-----	-----

Schistosomiasis

Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	472

School

Exclusion of children from.....	13a	424
Notice of communicable disease to.....	13a	424

Screens

For construction camps.....	223	525
For dining cars.....	176	518

Septic Sore Throat

Cases of, reportable.....	2	415
Methods of control.....	16	452
Restrictions for travel by common carrier.....	143	510
Sale of food regulated, when.....	14a	424

Sewage Disposal Equipment

Construction and use of, in sanitary district.....	116	502
Permit for, in sanitary district.....	113	501

Sewage Treatment Works

Certification of personnel.....	236	529
Employment of uncertified personnel prohibited.....	239	529
Submission of plans for approval.....	102, 103	495, 496
Trained personnel for operation of.....	236	529

Sewerage

Submission of plans for approval.....	102, 103	495, 496
---------------------------------------	----------	----------

Slaughter House

Inspection of, in sanitary district.....	125	505
--	-----	-----

Smallpox

Cases of, reportable.....	2	415
Methods of control.....	16	453
Placarding for.....	12	423
Sale of food regulated, when.....	14a	424
Transportation by common carrier prohibited.....	141	510
Transportation of bodies dead from.....	49	480

Sneezing

Unguarded, in public, forbidden.....	135	508
--------------------------------------	-----	-----

Soda Fountain Sundries

Regulations governing sale of.....	95	494
------------------------------------	----	-----

Spitting

In public place forbidden.....	134	508
On floors, etc., prohibited.....	168	516

Standard Report Form

To be used in reporting.....	4	418
------------------------------	---	-----

State Inspector of Plumbing

Approval of plans.....	104	497
------------------------	-----	-----

State Parks—See "Sanitary District"

Sterilization		
Equipment in drug stores, etc.....	96	494
Of mattresses, when.....	17a	474
Straws		
Use of	100	495
Susceptible		
Definition of term.....	11	420
Sweeping		
Dry, prohibited.....	162	516
Syphilis—See also "Venereal Disease"		
Cases of, reportable.....	2	415
Methods of control.....	16	455
Tableware		
Cleaning of, in dining car.....	178	518
Telephone		
Used in making reports.....	6	419
Tetanus		
Cases of, reportable.....	2	415
Methods of control.....	16	456
Time		
Limit for making reports.....	5	419
Toilets		
At railway stations.....	193 to 196	520
For construction camps.....	221	524
Locked when passing through cities, etc.....	174	517
Required in passenger cars.....	173	517
Towels		
Common and roller, prohibited.....	166	516
Trachoma		
Cases of, reportable.....	2	415
Methods of control.....	16	456
Trailer House		
Sanitation of.....	234a	528
Transit Permit		
Information required for.....	48	479
Transportation—See "Dead Bodies"		
Trichinosis		
Cases of, reportable.....	2	415
Methods of control.....	16	458
Tuberculosis Hospital		
Admission of patients.....	60	482
Annual report.....	55	482
Certificate of approval.....	57	482
Classification of patients on examination.....	70	484
Examination and treatment rooms.....	63	483
Form of reports.....	68	484
Inspection of.....	56	482
Laboratory	64	483
Medical superintendent and assistant.....	66	483
New districts or additions to district.....	59	482

Tuberculosis Hospital, con.

Notice of admission of patients.....	61	483
Notice of death or discharge of patients.....	62	483
Nurses, qualifications.....	67	484
Records	69	484
Rules and regulations of.....	58	482
X-Ray equipment.....	65	483
Tuberculosis		
Other than Pulmonary		
Cases of, reportable.....	2	415
Methods of control.....	16	460
Pulmonary		
Cases of, reportable.....	2	415
Methods of control.....	16	459
Provisions for transportation by common carrier.....	149	513
Sale of food regulated, when.....	14a	424
Tularemia		
Cases of, reportable.....	2	415
Methods of control.....	16	461
Turpentine Poisoning		
Cases of, reportable.....	2	415
Typhoid Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	461
Restrictions for travel by common carrier.....	144	511
Sale of food regulated, when.....	14a	424
Typhus Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	462
Transportation by common carrier, prohibited.....	141	510
Transportation of bodies dead from.....	49	480
Undulant Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	463
Utensils		
Cleansing and sterilization of.....	97	494
Use of, in common, forbidden.....	137	508
Vaccination		
Definition of term.....	11	423
Venereal Disease		
Boards of health to cooperate in enforcement.....	23	475
Cases of, reportable.....	19	474
Certificates prohibited without clinical and laboratory examination	28	477
Confinement of diseased persons.....	24	476
Constitutionality of regulations.....	30	477
Declared dangerous to public health.....	18	474
Discontinuance of treatment to be reported.....	25	476
Druggist to keep records.....	21	475
Examination of suspects.....	23	475
Examinations only by licensed physicians.....	23	475

Venereal Disease, con.

Exposure of another person, prohibited.....	26	476
Instruction to patients.....	20	475
Investigation of cases.....	22	475
Isolation of diseased persons.....	24	476
Notice of removal of infected person.....	27	476
Prostitutes declared reasonably suspected of having.....	23	475
Secrecy of reports and records.....	29	477
Sexual contacts to be reported.....	23	475
Ventilation		
Fresh air to be provided.....	172	517
Vermin		
Destruction of, at construction camps.....	229	526
Treatment to destroy.....	160	516
Veterinarian		
Report by, on examination of animal.....	2c	417
Vincent's Infection		
Cases reportable during unusual prevalence.....	2	415
Methods of control.....	16	472
Virus, Filterable		
Definition of term.....	11	423
Visitors		
To maternity hospital.....	90	492
Vital Statistics		
Birth certificate to contain additional information.....	243	530
Records in maternity hospital.....	91	492
Waiting Room		
At Railway Station		
Sanitary conditions required.....	184	519
Wash Room		
At Railway Station		
Sanitary conditions required.....	184	519
Wastes		
Disposal prohibited, when.....	111, 112	500, 501
Water Containers		
Care of.....	154	515
Construction of.....	153	514
Filling of.....	155	515
Water Purification Works		
Submission of plans for approval.....	102, 103	495, 496
Water Supply		
Approval required in sanitary district.....	109	500
At railway stations.....	199 to 201	521
Certification of, used by common carrier.....	151	514
For railway construction camp.....	217	524
Submission of plans for approval.....	102, 103	495, 496
Water Treatment Works		
Certification of personnel.....	236	529
Employment of uncertified personnel prohibited.....	239	529
Trained personnel for operation of.....	236	529

Wells (Abandoned)		
Use prohibited for waste disposal.....	111	500
Whooping Cough		
Cases of, reportable.....	2	415
Methods of control.....	16	464
Restrictions for travel by common carrier.....	143	510
Wood Alcohol Poisoning		
Cases of, reportable.....	2	415
Yaws		
Cases of, reportable.....	2	415
Methods of control.....	16	464
Yellow Fever		
Cases of, reportable.....	2	415
Methods of control.....	16	465
Transportation by common carrier, prohibited.....	141	510

Date due

Jan. 8'45

Jan. 20

LIBRARY
NATIONAL INSTITUTE OF HEALTH
BETHESDA, MARYLAND

RA131	Ohio
.A5	Ohio
1944	
DEC 11 '44	Dec 11 '44
JAN 16 '45	Jan 16 '45
AUG 12 '46	Aug 12 '46
OCT 1 '48	Oct 1 '48

